

# Developing Workplace Violence and Harassment Codes of Practice

## What You Need to Know





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# INTRODUCTION

Every worker has a right to a healthy and safe workplace. Because both employers and employees benefit from a healthy and safe workplace, they both have a role in creating and maintaining it. For workers, a healthy and safe workplace protects them from injury, illness and wage loss. Employees who feel that the employer cares about their health and safety are more productive and engaged. For employers, a strong safety culture leads to a decrease in absenteeism and staff turnover, resulting in an increase to their bottom line and reputation.

A healthy and safe workplace must be a respectful one, one that is free of harassment and violence. Recent legislation, (see Appendix J) is meant to help manage workplace violence and harassment.

This guide will not only help your workplace comply with the legislation, but, more importantly, will help ensure your workers' health and safety.

## WHO SHOULD USE THIS GUIDE?

This guide will be useful to every New Brunswick workplace. The legislation requires that every New Brunswick employer develop and implement a code of practice to manage workplace harassment (Section 1).

All employers must also perform a risk assessment for the likelihood of violence at their workplace (Section 2). Once the risk assessment is completed, three factors will determine whether an employer must also develop and implement a written code of practice to manage violence (Section 3).

**These three factors are:**

1. Any employer who regularly employs 20 or more employees in New Brunswick.
2. Specific types of work and workplaces, when there are fewer than 20 employees ([see page 8](#)).
3. If you regularly employ fewer than 20 employees and are not included in the specific types of work or workplaces noted in #2, but your risk assessment has identified a risk of violence.

## Guideline for Developing and Implementing a Workplace Code of Practice for Harassment

*(A sample code of practice for managing workplace harassment that that can be adapted for your workplace is included in Appendix A)*

A code of practice for a harassment-free workplace will make your workers feel respected, healthy and safe. As an employer, you should foster a supportive environment that encourages employees to feel confident when reporting workplace harassment so you can take action to stop the behaviour. This means ensuring your workers know what harassment is and how to report it.

Every employer must develop and implement a workplace harassment code of practice. This guideline will help you meet the requirements of General Regulation 91-191 and continue to foster a healthy and safe workplace. As the employer, you must ensure that the code of practice is implemented and followed to adequately (to the extent possible) provide a respectful and safe workplace.

### WHAT IS HARASSMENT?

***“Harassment”, in a place of employment, means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but does not include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment (General Regulation 91-191, OHS Act, Section 2).***

In short, workplace harassment is any behaviour demonstrated by another person in the workplace that makes an employee feel uncomfortable or unsafe. As defined in the regulation, the phrase “ought reasonably to be known to be unwelcome” means that the person demonstrating the behaviour does not actually have to intend to make an employee feel harassed – if the term “they should have known better” applies, then it could be considered harassment. All behaviour must create a comfortable work environment for everyone.

Harassment does not include an employer’s management decisions, such as scheduling and shifts, work assignments, deadlines, work evaluation, performance management or disciplinary actions. Managers should communicate these decisions in a way that avoids causing an employee embarrassment.

### Components for Developing a Workplace Code of Practice for Harassment

This guide for managing workplace harassment is designed to help you meet your legislated obligations. It includes the required components of a code of practice.

*Making the code of practice available electronically – on a company Intranet, for example, is acceptable as long as all employees know how and where to find it and are trained on accessing it electronically.*

#### 1. General Requirements

To comply with the regulation, the workplace harassment code of practice must be:

- In writing
- Developed and maintained in consultation with the joint health and safety committee (JHSC), health and safety representative, or employees (in the absence of a JHSC or health and safety representative).
- Posted prominently in the workplace.

The code of practice **must** also:

- Include a statement that every employee is entitled to work free of harassment.
- Identify the person in the workplace responsible for implementing the code of practice.
- Identify the follow-up measures to be used with the affected employee(s), such as an incident debriefing, available support services such as Employee Assistance Program, counselling, etc.

**Tip:**

An effective code of practice should define workplace harassment, as it appears in the regulation, and include examples, such as:

- Offensive or intimidating comments or jokes
- Bullying or aggressive behaviour
- Displaying or circulating offensive pictures or materials
- Inappropriate staring
- Workplace sexual harassment\*
- Isolating or making fun of a worker because of gender identity or other personal characteristics

\*Workplace sexual harassment includes unwelcome solicitation or advances from a manager, supervisor or another person who has the power to reward or punish the worker. (NB Human Rights Commission)

## 2. Reporting

**Your code of practice must include a statement specifying that employees must report harassment incidents to their employer as soon as possible.**

There should be a procedure that ensures workers are able to easily report incidents, making it clear to whom they should report a complaint. In cases where the harassment may come from a supervisor, there should be an alternate designated person for workers to report a complaint, such as a human resources representative, a health and safety co-ordinator or an Employee and Family Assistance Provider (EFAP).

An employee who reports or complains of a health and safety matter (including workplace harassment) is protected against any discriminatory action taken by their employer. Employees can file a complaint of discriminatory action with WorkSafeNB. More information and how to file that complaint [can be found here](#).

If no other reporting options are available (for example, in a very small business), workers may contact WorkSafeNB at 1 800 999-9775 for advice.

While not specified in the regulation, the reporting form could include:

- Complainant's name and contact information
- Name of the respondent(s)\*, position(s) and contact information if known)
- Name(s) of any witness(es) or others with relevant information and their contact information
- Details of what happened (dates, frequency, location, time, etc.)
- Any other relevant documents (statements, emails, etc.)

\* Respondent is the person against whom the complaint is directed.

*A sample template for reporting workplace harassment that can be adapted for your workplace is included in Appendix B.*

## 3. Investigating a Complaint

**Your code of practice must include your organization's procedure for investigating and documenting complaints, as well as how affected employees will be informed of the investigation results.**

The procedure should detail how and when investigations will be done and what information might be included in the investigation. Maintaining privacy and confidentiality is an important

element of the code of practice. Privacy legislation prohibits disclosing information about an incident or complaint unless it is necessary to investigate the incident, required to take corrective measures in response to the incident, or is legally necessary. Workers and others involved in an investigation must understand the requirements to protect privacy and confidentiality.

The person conducting the investigation must not be the respondent or have a direct reporting or supervisory relationship to the respondent. An objective person must conduct the investigation.

A worker who has reportedly experienced harassment and the respondent must be informed of the investigation results, including any corrective action taken or that will be taken. The employer must not disclose confidential information or performance management actions, but recommendations outside of this scope can be shared, such as if the respondent was ordered to take respectful workplace training or a refresher on the code of practice.

*A sample investigation report template that can be adapted for your workplace is included in Appendix C.*

#### 4. Record Keeping

It is important to keep records of complaints or incidents, including any documents or statements gathered during an investigation. A copy of the investigation report does not need to be provided to the worker who reported the workplace harassment or the respondent. However, the parties must be informed of the investigation results – verbally or in writing – with a summary of the findings.

While the regulation does not specify how long to retain records, it is recommended to keep them for at least two years. These documents must not be disclosed to anyone, unless necessary to investigate an incident or complaint, to take corrective action or if required by law.

#### 5. Training Your Staff

You are required to put in place a training program for workers and supervisors on the harassment code of practice. The training should be integrated into the new employee orientation and training program, and be reviewed regularly with all staff.

While the frequency to review training may differ for various workplaces, depending on the nature of work, WorkSafeNB recommends it be done annually, at a minimum. The JHSC or health and safety representative can help determine an appropriate retraining cycle.

To support the code of practice, a workplace might also include other training for workers and supervisors on workplace conflict resolution, respectful workplaces or complaint investigations.

As with other health and safety training requirements, you must keep training records and make them available to a health and safety officer, when requested.

#### 6. Review and Update

The code of practice must be reviewed at least once a year in consultation with the JHSC, the health and safety representative, or with workers if there is no JHSC or representative.

You must update the code of practice when conditions change at your workplace, or when a WorkSafeNB health and safety officer orders you to do so.

Although not legislated, WorkSafeNB also recommends including information in your code of practice to address discrimination and harassment under New Brunswick's [Human Rights Act](#).

*Using this guide does not necessarily mean that, as an employer, you are in compliance with the regulations. A WorkSafeNB health and safety officer determines compliance during a visit to your workplace.*

## Assessing Your Workplace's Risk for Violence

The possibility of violence in the workplace is an unfortunate reality. The first step in managing workplace violence is conducting a risk assessment. In New Brunswick, the General Regulation 91-191 requires employers to assess the risks and hazards of violence in their workplace.

Your risk assessment for violence will determine if you need to develop and implement a code of practice to prevent violence (Section 3).

### What the law says.

- An employer must assess the risk of violence at the place of employment.
- In assessing the risk of violence, an employer must consult with:
  - All joint health and safety committees, if any
  - All health and safety representatives, if any, or
  - Employees

### What should the employer do?

- Develop or customize a workplace risk assessment form/checklist
- Decide who will perform the risk assessment
- Set out time frames for completing the assessment
- Ensure all types of workplaces are assessed (fixed workplaces, shop, project site, off-site, mobile, etc.)
- Consult with the JHSC, the health and safety representative, or with workers if there is no JHSC or representative.

As part of this risk assessment, an employer must evaluate, review and consider the following four components for each of their workplaces:

#### 1. The history of violence at that workplace. Review past incidents through:

- Incident reports and investigations
- First aid records
- Joint health and safety committee (JHSC) minutes

#### 2. The history of violence at similar workplaces. Obtain professional advice from:

- Insurance companies
- Local police departments
- Relevant publications
- Professional associations

#### 3. A physical inspection of the workplace:

- Workplace design and layout
- Administrative practices (visitor policy)
- Work practices (handling money, greeting the public)

#### **4. Risk factors associated with violence, such as:**

- Work processes or situations (working alone, working with the public, handling large amounts of cash, etc.)
- Work roles and responsibilities (cashiers handling money, by-law enforcement officers, couriers visiting numerous workplaces, etc.)
- Possible exposure to sexual violence
- Whether intimate partner or domestic partner violence might spill over into the workplace
- Hours of operation
- Location and neighbourhood characteristics

Completing this risk assessment for violence does not need to be a new process – it can be incorporated into your existing overall risk assessment that identifies all employee risk exposures.

*Sample risk assessment templates are included for fixed workplaces and project sites, as well as a template for assessing the work practices (Appendices D – F). The templates are provided as a starting point and should be adapted to the particular scenarios present in your workplaces.*

If your workplace has fewer than 20 employees and is not included in the specified industries, and your risk assessment shows no risk of violence in the workplace, then you do not need to develop a code of practice on violence.

## Guideline for Developing and Implementing a Workplace Code of Practice for Violence

Workplace violence in the workplace is a reality. In recent years in Canada, cases of violence in service stations, convenience stores and the taxi industry have resulted in deaths and serious injuries.

WHAT IS  
VIOLENCE?

This is a sober reminder for all employers to ensure that procedures, training, and safety measures are in place to protect workers who are at risk of violence.

***“Violence”, in a place of employment, means the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence (General Regulation 91-191, OHS Act, Section 2).***

Three conditions determine whether you must develop a written code of practice for violence:

### 1. Any employer who regularly employs 20 or more employees in New Brunswick.

#### 2. When the following circumstances exist:

- Work is carried out at the place of employment by any of the following:
  - Public service employee
  - Supplier of goods or services to a government department
  - Employee of an emergency service provider
  - Health professional
  - Pharmacist
  - Veterinarian
  - Social worker, outreach worker, crisis intervener or support worker
  - Employee of an agency defined in the *Private Investigators and Security Services Act*
  - Person registered or licensed under legislation to provide financial services
- The following types of work are done:
  - Teaching
  - Early learning and childcare services
  - Retail sales
  - Transporting goods or persons for hire in a vehicle (whether a public vehicle or privately owned)
  - Home support services
- Work is carried on at:
  - A casino or other gaming premises (under the *Gaming Control Act*)
  - A place where a license or permit has been issued under the *Liquor Control Act* and where the public has access
  - A cannabis retail outlet (under the *Cannabis Control Act*)

### 3. If you regularly employ FEWER than 20 employees and are NOT included in the type of work or professions listed above, but your risk assessment for violence has identified a risk, you must develop a code of practice for violence.

Use your risk assessment’s results to develop a code of practice. For example, if the risk assessment demonstrates a high level of risk, your code of practice will need to be comprehensive.

The code of practice is meant to reduce the risk of violence and ensure employees stay healthy and safe. It must therefore address all the risks identified in the assessment.

## Components of a Code of Practice for Preventing Workplace Violence

*(A sample code of practice for preventing workplace violence that you should adapt for your workplace is included in Appendix G)*

### 1. General Requirements

Based on what you identified in your risk assessment, your code of practice must include the following parts:

- The name of the person responsible for implementing the code of practice.
- A list of the locations and work conditions where employees may be exposed to violence, as well as when the code of practice applies in the workplace. A code of practice may only apply for certain tasks or times of day.
- Description of the type of violence that may reasonably be expected to happen (physical threat, verbal threat, robbery).
- Details about the occupations, roles or tasks that place employees at risk of experiencing violence.
- A statement informing employees that they must report any violent incidents to the employer as soon as possible. There should be a procedure that ensures workers are able to easily report incidents.
- Identify the follow-up measures to be used with the affected employee(s), such as an incident debriefing, available support services such as Employee Assistance Program, counselling, etc.

### 2. Mitigation Efforts

The code of practice must set out the actions and measures the employer will put in place to mitigate the risk of violence. This includes:

- The methods and equipment employees must use.
- The procedures to follow.
- How an employee can reach emergency assistance when faced with a violent incident (This must also include alternate measures for when the initial request for aid fails).
- The employer's procedure for investigating a violent incident and how they will document the investigation.

### 3. Investigating a Complaint of Violence

Your code of practice must include your organization's procedure for investigating and documenting complaints, as well as how affected employees will be informed of the investigation results.

An objective person must conduct the investigation.

The code of practice should detail how and when investigations will be done and what information might be included in the final report. Maintaining privacy and confidentiality is an important element of the code of practice. Information obtained about an incident or complaint cannot be disclosed unless it is necessary to investigate the incident, required to take corrective measures in response to the incident, or if legally necessary. Workers and others involved in an investigation must understand the requirements to protect privacy and confidentiality.

The code of practice must also include the process the employer will follow to implement any corrective measures identified in the course of an investigation.

#### **4. Record Keeping**

It is important to keep records of complaints or incidents, including any documents or statements gathered during an investigation, and a copy of the investigation report.

While the regulation does not specify how long to retain records, it is recommended to keep them for at least two years. These documents must not be disclosed to anyone, unless necessary to investigate an incident or complaint, to take corrective action or if required by law.

#### **5. Training Your Staff**

You must identify training needs for workers and supervisors on the violence code of practice. The training should be integrated into the new employee orientation and training program, and be reviewed regularly with all staff.

While the frequency to review training may differ for various workplaces, depending on the nature of work, WorkSafeNB recommends it be done annually, at a minimum. The joint health and safety committee or health and safety representative can help determine an appropriate retraining cycle.

As with other health and safety training requirements, you must keep training records and make them available to a health and safety officer, when requested.

#### **6. Review and Update**

The code of practice must be reviewed at least once a year in consultation with the JHSC, the health and safety representative, or with workers if there is no JHSC or representative.

You must update the code of practice when conditions change at your workplace, or when a WorkSafeNB health and safety officer orders you to do so.

# CONCLUSION

We know that, as an employer, healthy and safe workplaces are as important to you as they are to us. The regulations addressing workplace violence and harassment ensure New Brunswick's workers are protected from a wider range of hazards. We've developed this guide to help you meet the requirements of these regulations, ensuring healthy and safe workplaces for all New Brunswickers.

If you have any questions, please review our FAQs. And if they aren't answered there, contact

**WorkSafeNB** at **1 800 999-9775**  
or email  
[compliance.conformite@ws-ts.nb.ca](mailto:compliance.conformite@ws-ts.nb.ca).



**For even more information on violence and harassment download our app for workplace safety, featuring more than 50 health and safety topics.**

**Search for “NB OHS Guide” on Google Play or the App Store. You can also access safety topics online at [ohsguide.worksafenb.ca](http://ohsguide.worksafenb.ca).**

## Code of Practice for Managing Workplace Harassment

*(shading indicates fields to be customized by workplaces)*

**This code sets out requirements that this company will follow to manage harassment in the workplace.**

**The code of practice administrator is authorized by the employer to manage the code of practice.**

**Company**

**Workplace Address**

**Code of Practice Administrator**

**Phone**

**Email**

is committed to providing a work environment where all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace including

**Workplace harassment:**

***“in a place of employment, means any objectionable or offensive behavior that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but does not include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment.”***

Workers must report any incidents of workplace harassment to the

This can be done verbally or in writing, by use of a harassment complaint form.

is responsible for implementing the code of practice.

will investigate and deal with all complaints or incidents of workplace harassment fairly, respectfully and timely. The investigator will ensure the investigation is kept confidential, unless necessary to conduct the investigation or as required by law. The investigator will remind the worker who reported the workplace harassment, the respondent(s) and any witness(es) of confidentiality requirements under the workplace harassment program.

must provide the investigation results in writing to the affected employees.

and the affected department will implement corrective measures identified in the investigation. Notices will be put on employee bulletin boards if there are new or revised procedures to follow.

All employees at

including managers, supervisors, temporary employees, students and subcontractors are to adhere to this code of practice, report an incident of harassment as soon as possible and will not be penalized or disciplined for reporting an incident or for participating in an investigation. Harassment does not include reasonable management decisions, such as scheduling and shifts, work assignments, deadlines, work evaluation, performance management or disciplinary actions.

## APPENDIX B

### Reporting Harassment

**Name and contact information of worker who is reporting workplace harassment (your name and information):**

**Your name**

**Your contact information:**

**Work**

**Residence**

**Cell**

**Address**

**Name of respondent(s)\***

**Contact information of respondent(s):**

**Work**

**Residence**

**Cell**

**Address**

\*Respondent is the person against whom the complaint is directed.

#### **Details of the complaint:**

Please describe in as much detail as possible the incident, names of parties involved, names of witnesses, date(s), time(s) and location(s) of the incident(s) and any other details. Attach additional pages if needed).

#### **Documents/Evidence**

Include any supporting documents (emails, notes, photographs, physical evidence, etc). If you are unable to attach documents and they are relevant please list them below.

**Employee Signature**

**Date of Report**

### Harassment Investigation

*This template can be used to guide you when investigating workplace harassment incidents or complaints. The person conducting the investigation must not have been involved in the incident or complaint and must not be under the respondent's direct control.*

*You may need to modify the template to address your workplace's needs.*

<b>Company</b>	
<b>Workplace Address</b>	
<b>Phone</b>	<b>Email</b>

<b>Name and title of investigator:</b>
<b>Date of investigation:</b>

#### Background Information

**Name of person who reported the workplace harassment**

**If not the same person as above, name of the person(s) who allegedly experienced workplace harassment and their position(s)/department(s)**

**Date of complaint/concern and how reported**

**Name of respondent and position/department**

#### Tips

##### Conducting the Investigation

- Take detailed notes
- Obtain/complete a harassment complaint form from the person reporting the harassment (complainant).
- Interview the complainant and the respondent.
- List any possible witnesses from both parties (complainant and respondent).
- Interview relevant witnesses on what they have observed or are aware of.
- Review all documents from the complainant, respondent, witnesses and employer. Determine if there are other records you need.
- Keep the investigation confidential. Instruct all that are involved not to talk to others about the investigation.

##### Investigation Report and Result

Document your investigation and findings by providing the following:

- Employee concerns and complaint (attach more pages if necessary):
  - Date of first incident
  - Date of last incident
  - Date of other incident(s)
- Response from respondent(s) (attach more pages if necessary)
- List witnesses and summary of evidence gathered from them in statements (attach more pages if necessary)
- List documents collected and from whom they were obtained (attach more pages if necessary)
- Provide a summary of what was considered to determine if workplace harassment occurred and your findings.
- Recommended next steps
- Submit the full report to Human Resources and inform the complainant and respondent of the date the report was sent.

# Sample Template

This checklist is to be used as a guideline only, and should be modified to fit your workplace.

Ensure that all workplace areas and all types of work practice are covered during the risk assessment for workplace violence.

The inspection of company facilities should include areas inside and outside of the company building such as →

## APPENDIX D

### Workplace Risk Assessment – Fixed Workplaces

<b>Company</b>	
<b>Workplace Address</b>	
<b>Phone</b>	<b>Email</b>

After adapting this template to fit your workplace, look at where you've answered yes or no to determine if there is a risk of violence at your workplace. For example, if you've answered YES to ANY question such as "Could someone hide at the bottom of the stairway?" or "Does the receptionist ever work alone?" then your workplace is considered to be at risk of violence and you must develop a code of practice to address those identified risks, or take measures to remedy them to eliminate the need for a code of practice. The same applies if you answered NO to ANY questions such as "Is there a way to identify visitors?", "Is there a security system?" or "Are phones easily accessible?"

Section A		Yes	No
<b>History of past violent incidents</b>	→ Does the workplace have any incident reports?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Are there investigation reports?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Does the First Aid log contain any information?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Do JHSC minutes contain useful information?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Is there information available specific to your industry?</b>	→ Check with agencies to see if they have experience or advice to help	<input type="checkbox"/>	<input type="checkbox"/>
	→ Local police department	<input type="checkbox"/>	<input type="checkbox"/>
	→ Professional associations	<input type="checkbox"/>	<input type="checkbox"/>
	→ Insurance company	<input type="checkbox"/>	<input type="checkbox"/>
	→ Industry-specific publications	<input type="checkbox"/>	<input type="checkbox"/>
→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>	
Section B		Yes	No
<b>Parking lots</b>	→ Are lot entrances and exits clearly marked?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the lot well-lit?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is access controlled?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Are company vehicles parked overnight?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Have vehicles been broken into or stolen from the lot?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Building perimeter</b>	→ Are high violence risk businesses (banks, bars) nearby?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the workplace located in a densely populated area?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the building isolated from other buildings?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the entrance well-lit?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the building shared by other businesses?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is building entry controlled by key or card?	<input type="checkbox"/>	<input type="checkbox"/>
→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Security systems</b>	→ Is there a security system?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is it tested regularly (at least monthly)?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the system adequate?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is there signage stating that there is a security system?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Does the system include mirrors or cameras?	<input type="checkbox"/>	<input type="checkbox"/>
→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>	

...continued next page

The inspection of company facilities should include areas inside and outside of the company building such as →

Section B		Yes	No
<b>Reception area</b>	→ Is it visible and easily accessible?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is reception staffed at all times?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Does the receptionist ever work alone?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is there a way to identify visitors (sign in)?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Can visitors enter the building when no one is at reception?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Stairwells</b>	→ Are stairways and exits identified?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Can lights be turned off in the stairwell?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is there more than one exit from the stairwell?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Could someone hide at the bottom of the stairwell?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Elevators</b>	→ Is there an emergency phone or call button?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is there a response procedure for elevator emergencies?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Before entering, is it possible to see if the elevator is occupied?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Washrooms</b>	→ Do employees and the public use the same washrooms?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is there key or card access to the washrooms?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Can the lights be turned off?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Offices / Meeting rooms / Shop</b>	→ Do the rooms have good visibility from other areas?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Does staff meet one-on-one with clients/customers?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is furniture arranged to allow a quick exit?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Are employee offices separate from public spaces?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Are phones easily accessible?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sexual violence, domestic and intimate partner violence</b>	→ Is there potential for employees to be exposed to sexual violence?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is it possible for intimate partner violence or domestic violence to spill over into your workplace?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other areas that should be considered?</b>	→ _____	<input type="checkbox"/>	<input type="checkbox"/>
	→ _____	<input type="checkbox"/>	<input type="checkbox"/>
	→ _____	<input type="checkbox"/>	<input type="checkbox"/>

**You must consult with:**

- JHSC or
- Health and safety representative or
- Employees

# Sample Template

This checklist is to be used as a guideline only, and should be modified to fit your workplace.

**Ensure that all workplace areas and all types of work practice are covered during the risk assessment for workplace violence.**

**The inspection of company facilities should include areas inside and outside of the company building such as →**

## APPENDIX E

### Workplace Risk Assessment – Project Sites

<b>Company</b>	
<b>Workplace Address</b>	
<b>Phone</b>	<b>Email</b>

After adapting this template to fit your workplace, look at where you've answered yes or no to determine if there is a risk of violence at your workplace. For example, if you've answered YES to ANY question such as "Is the site in a high crime area?," then your workplace is considered to be at risk of violence and you must develop a code of practice to address those identified risks, or take measures to remedy them to eliminate the need for a code of practice. The same applies if you answered NO to ANY questions such as "Is there a check-in procedure?," or "Is the lot well-lit?"

Section A		Yes	No
<b>History of past violent incidents</b>	→ Does the project site have any incident reports?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Are there investigation reports?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Does the First Aid log contain any information?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Do JHSC minutes contain useful information?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Is there information available specific to your industry?</b>	→ Check with agencies to see if they have experience or advice to help	<input type="checkbox"/>	<input type="checkbox"/>
	→ Local police department	<input type="checkbox"/>	<input type="checkbox"/>
	→ Professional associations	<input type="checkbox"/>	<input type="checkbox"/>
	→ Insurance company	<input type="checkbox"/>	<input type="checkbox"/>
	→ Industry-specific publications	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
Section B		Yes	No
<b>Site access</b>	→ Is site access monitored (guardhouse, gate)?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is there a check-in procedure?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the project enclosed (fenced)?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the project accessible to clients or the public?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is equipment left overnight on the site?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Employee parking</b>	→ Are vehicles parked in one area?	<input type="checkbox"/>
→ Is it marked well?		<input type="checkbox"/>	<input type="checkbox"/>
→ Is the lot well-lit?		<input type="checkbox"/>	<input type="checkbox"/>
→ Is access controlled?		<input type="checkbox"/>	<input type="checkbox"/>
→ Have vehicles been broken into or stolen from the lot?		<input type="checkbox"/>	<input type="checkbox"/>
→ Other? Specify _____		<input type="checkbox"/>	<input type="checkbox"/>

...continued next page

The inspection of company facilities should include areas inside and outside of the company building such as →

Section B		Yes	No
<b>Site perimeter</b>	→ Are businesses with higher violence risk located nearby (banks, bars)?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the workplace located in a dense manufacturing area?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the site in a high crime area?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the site isolated?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is the area heavily travelled by the public (roadways)?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Other? Specify _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>Sexual violence, domestic and intimate partner violence</b>	→ Is there potential for employees to be exposed to sexual violence?	<input type="checkbox"/>	<input type="checkbox"/>
	→ Is it possible for intimate partner violence or domestic violence to spill over into the project site?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other areas that should be considered?</b>	→ _____	<input type="checkbox"/>	<input type="checkbox"/>
	→ _____	<input type="checkbox"/>	<input type="checkbox"/>
	→ _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>You must consult with:</b>			
<input type="checkbox"/> JHSC or			
<input type="checkbox"/> Health and safety representative or			
<input type="checkbox"/> Employees			

## APPENDIX F

### Workplace Risk Assessment – Work Practices

**Company**

**Workplace Address**

**Phone**

**Email**

Appendix D and/or E helped you assess the physical conditions of your workplaces. You also need to look at your workplace practices to assess any risks.

Ensure that all workplace areas and all types of work practices are covered during your risk assessment for workplace violence.

The following chart sets out some risk factors to consider when designing your workplace risk assessment.

**This checklist is to be used as a guideline only and should be modified to fit your workplace.** After adapting this template to fit your workplace, look at where you've answered yes to determine if there is a significant risk of violence at your workplace. If you've answered YES to ANY question then your workplace is considered to be at an elevated risk of violence and you must develop a code of practice to mitigate and address those risks.

Are employees involved in any of the following work practices:	Yes	No
→ Working with the public? (bus driver, flag person, retail sales)	<input type="checkbox"/>	<input type="checkbox"/>
→ Handling money or valuable equipment? ( tractor trailer driver, armoured truck operators)	<input type="checkbox"/>	<input type="checkbox"/>
→ Responsible for the control of drugs or alcohol? (pharmacist, bartender)	<input type="checkbox"/>	<input type="checkbox"/>
→ Carrying out enforcement duties? (security guard, management)	<input type="checkbox"/>	<input type="checkbox"/>
→ Transporting or working with unstable or aggressive people? (bus or taxi driver, social worker)	<input type="checkbox"/>	<input type="checkbox"/>
→ Working alone or in small numbers? (transport operator, utility workers)	<input type="checkbox"/>	<input type="checkbox"/>
→ Driving a vehicle as part of the job? (appliance repair/service person, estimator)	<input type="checkbox"/>	<input type="checkbox"/>
→ Arriving or leaving at the same time every day using the same route?	<input type="checkbox"/>	<input type="checkbox"/>
→ Working with a frequently changing workforce? (construction worker)	<input type="checkbox"/>	<input type="checkbox"/>
→ Working late at night or early in the morning? (transport operator, convenience store clerk)	<input type="checkbox"/>	<input type="checkbox"/>
→ Travelling to other cities or countries? (construction workers, salespeople)	<input type="checkbox"/>	<input type="checkbox"/>
→ Staying in hotels?	<input type="checkbox"/>	<input type="checkbox"/>

Code of Practice for Managing Workplace Violence

*This code sets out requirements that this company will follow to manage violence in the workplace.*

*The code of practice administrator is authorized by the employer to manage the code of practice.*

<b>Company</b>	
<b>Workplace Address</b>	
<b>Code of Practice Administrator</b>	
<b>Phone</b>	<b>Email</b>

[Redacted]

is committed to protecting employees from workplace violence. Workplace violence will not be tolerated from anyone in the workplace, including customers, clients, other employers, supervisors, co-workers and members of the public.

“Violence”, in a place of employment, means the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence.

Workers must report any violent incidents to the

[Redacted]

(delegated to the alternate, if there is a conflict of interest). This can be done in writing, by use of the Violence Complaint Form or verbally.

[Redacted]

is responsible for implementing the code of practice.

[Redacted]

will investigate and deal with all complaints or incidents of workplace violence fairly, respectfully and timely. The name of anyone involved in a violent incident or a description of the incident will not be disclosed unless it is:

1. Necessary to investigate the incident
2. Required to take corrective measures in response to the incident
3. Required by law

An investigation’s results will be provided to the affected employees by the

[Redacted]

Corrective measures identified in the investigation will be carried out by the (identify the role) and the affected department. Notices will be put on employee bulletin boards with any new or revised procedures.

All employees at the

[Redacted]

including managers, supervisors, temporary employees, students and subcontractors must adhere to this code of practice, report a violent incident as soon as possible and will not be penalized or disciplined for reporting an incident or for participating in an investigation. All employees will receive training on the code of practice at the start of their employment, annually, and when the code is updated. The Human Resources Department will keep training records in the employee personnel files. All measures identified to mitigate violence will be added to the monthly inspection program.

## Tips for Dealing with a Potentially Violent Person

### Tips for Verbal Communication

- Focus your attention on the other person to let them know you are interested in what they have to say.
- Look at the person when they are talking.
- Remain calm and try to calm the other person. Do not allow the other person's anger to become your anger.
- Remain conscious of how you are delivering your words.
- Speak slowly, quietly and confidently.
- Speak simply. Do not rely on official language or complex terminology.
- Avoid communicating a lot of technical or complicated information when emotions are high.
- Listen carefully. Do not interrupt or offer unsolicited advice or criticism.
- Ask if you can take a few "brief notes" to help you retain the information. This conveys that you are interested.
- Encourage the person to talk. Ask questions that require a lengthy explanation as this can defuse the intensity of the interaction. Do not tell the person to relax or calm down.
- Try to understand. Ask questions. Make statements like *"help me understand why you are upset."*
  - Once you think you understand, repeat it back to the person so they know you understand.
- Remain open-minded and objective.
- Use silence as a calming tool.
- Use delaying tactics to give the person time to calm down, for example offer a drink of water (in a disposable cup).
- Identify troublemakers and learn their names.
- Acknowledge the person's feelings. Indicate that you can see they are upset.
- Invite the person to make suggestions. Do not reject these suggestions. Tell the person you will consider them.
- Summarize the issues discussed clearly and precisely and the next steps you will take to resolve the problem before you terminate the conversation.
- Do not look away as if disinterested.
- Do not try to humour the person as this can be interpreted negatively.
- Do not confront.
- Do not challenge.
- Do not antagonize.
- Do not threaten.
- Do not criticize.
- Do not belittle.

### Tips for Non-Verbal Behaviour and Communication

- Use calm body language – relaxed posture with hands unclenched, attentive expression.
- Arrange yourself so that your exit is not blocked.
- Position yourself at a right angle rather than directly in front of the other person.

- Give the person enough physical space...this varies by culture, but normally 2-4 feet is considered adequate.
- Get on the other person's physical level. If they are seated try kneeling or bending over, rather than standing over them.
- Do not pose in a challenging stance, such as:
  - standing directly opposite someone putting your hands on your hips
  - pointing your finger
  - waving your arms
  - crossing your arms
- Do not glare or stare, which may be perceived as a challenge.
- Do not make sudden movements which can be seen as threatening.
- Do not fight. Walk or run away. Get assistance from security or police.

### Tips for Problem Solving

- Try to put yourself in the person's shoes, so that you can better understand how to solve the problem.
- Ask for their recommendations.
- Repeat back to the person what you feel they are asking of you, to clarify what you are hearing.
- Accept criticism in a positive way. When a complaint might be true, use statements like "*you are probably right*" or "*it was my fault*." If the criticism seems unwarranted, ask clarifying questions.
- Be honest. Do not make false statements or promises you cannot keep.
- Be familiar with your organization's complaint procedures and apply them fairly.
- Remain professional and take the person seriously. Be respectful.
- Ask for small, specific favours, such as asking the person to move to a quieter area.
- Break a problem or an issue down into smaller units and offer step-by-step solutions so that the person is not overwhelmed by the situation or issue.
- Be reassuring and point out choices.
- Try to keep the person's attention on the issue at hand.
- Try to avoid escalating the situation.
- Find ways to help the person save face.
- Establish ground rules if unreasonable behaviour persists.
- State clearly that violence is unacceptable and will not be tolerated in a calm and non-threatening manner.
- Describe calmly the consequences of violent or aggressive behaviour.
- Suggest alternatives to violent behaviour.
- Avoid issuing commands and making conditional statements.
- Delay the punitive action until you have back-up or the situation is safer if the nature of the situation involves punishment or sanctions (enforcement).
- Do not take sides or agree with distortions.
- Do not reject the person's demands or position from the start.
- Do not attempt to bargain with a threatening individual. If necessary terminate the interaction.
- Do not make promises you cannot keep.

- If you feel threatened:
  - try to politely and calmly terminate the interaction in a non-threatening manner, if possible.
  - Know what back-up and advice is available to assist you in handling a difficult individual.
  - Get help.
  - Send for security or someone more senior.
  - Use a silent alarm.
  - Use a code word.
  - If you threaten to call the police, call them.

### **If you are attacked:**

- Make a scene, yell or scream as loud as possible. Try shouting words like STOP, FIRE, or HELP.
- Fall to the ground and roll if you are being pulled along or dragged.
- Blow a whistle, activate your personal security alarm or push the security alarm.
- Give bystanders specific instructions to help you. Single someone out and send them for help, for example *“you in the yellow shirt, call the police.”*
- Run to the nearest safe place, a safe office, or an open store.
- Call security or the police immediately after the incident.
- Inform your supervisor or the authorities at your workplace if the attack does not warrant calling the police.
- File an incident report.
- Do not resist if someone grabs your purse, briefcase, deposit bag or other belongings. Throw the item to the ground several feet away from the thief and run in the opposite direction, yelling *“help”* or *“fire.”*
- Do not chase a thief.

### **Be prepared**

- Take a self-defense course.
- Try to imagine yourself responding successfully to different types of attacks. Practise your responses.

### **Working Off-Site**

If you work away from a traditional office setting, you must exercise extra caution. This advice applies to real estate agents, social workers, inspectors, home care or health care providers, service or repair employees, and sales people. In many cases, you have less or no ability to control your work environment. You may require special training to avoid violence by using conflict resolution and mediation tactics. Nevertheless, the following specific preventive tactics or procedures will minimize or prevent risks associated with working offsite.

- Keep your designated contact informed of your location.
- Have access to a cellphone, two-way radio or car phone at all times.
- Confirm that the phone or radio works at the start of and during your shift.
- Use an established check-in procedure that allows you to manage typical situations you may encounter off-site.

### **When you enter unfamiliar premises:**

- Check for escape routes and position yourself near an escape route.
- Rehearse mentally what you will do if the client becomes aggressive or hostile. Decide what your best preventive tactic will be.
- Stay out of the kitchen or workshop where sharp items are kept.

- Take control of the seating arrangements.
- Seat yourself near the door if possible.
- Maintain a “reactionary gap” between yourself and the client – out of reach of the average person’s kicking distance. Increase the gap by sitting at a table. Be aware of the client’s proximity at all times.
- Be well prepared for the meeting. Know your subject.
- Rehearse the work and how you will do it safely.
- Bring two copies if you are referring to written material, so that you can sit across from the client, not beside.
- Terminate the contact in a non-confrontational manner if the client appears to be:
  - under the influence of drugs or alcohol
  - emotionally disturbed or out of control
- Do not allow yourself to be backed into a corner.
- Leave a clear path to the exit.
- Do not venture too far into the premises; for example, remain near an exit.
- Do not turn your back on the client or enter a room first.

### **Terminating a Negative Interaction**

- Interrupt the conversation firmly but politely.
- Tell the person that you:
  - do not like the tone of the conversation
  - will not accept abusive treatment
  - will end the conversation if necessary
- Tell the person that you will ask him or her to leave the building, or that you will leave (if working off-site).
- End the conversation if the behaviour persists.
- Ask the person to leave the building, or leave yourself.
- Remove yourself from the scene and inform your manager or supervisor immediately if the person does not agree to leave.
- Advise other staff and have them leave the immediate area.
- Call security or your local police.
- File an incident report.
- Do not return to the meeting if you believe the person poses a physical threat.

**Source:**

*Violence in the Workplace Prevention Guide - Canadian Centre for Occupational Health and Safety (CCOHS), 2010. These tips were reproduced with the permission of CCOHS, 2019.*

# APPENDIX I

## Frequently Asked Questions

*What you need to know about New Brunswick's violence and harassment legislation*

### 1. What is workplace violence?

Workplace violence is defined as the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence\* and domestic violence.

Some examples are: statements or behaviour threatening physical force against an employee; arguments; property damage; sabotage; pushing; physical assault; and, anger-related incidents.

### 2. What is workplace harassment?

The regulation defines workplace harassment as any behaviour that is known or should be known to be unwelcome that would demean, embarrass, humiliate, annoy, alarm or threaten an employee's health and safety. This can be on a one-time or repeated basis, and includes sexual harassment.

In every workplace, however, conflicts can arise that may be unpleasant, but do not escalate to the point of bullying or harassment. Differences of opinion or minor disagreements are not generally considered to be workplace harassment.

Actions taken by the employer to manage daily operations are considered a normal part of employment, and would not constitute bullying or harassment. This might include:

- Hiring and firing employees
- Performance evaluations and/or performance corrective actions
- Staff assignments, transfers or restructuring
- Periodic workload fluctuations and/or assignment changes
- Timeline pressures
- General work environment, including health and safety concerns, and union issues

### 3. Why was the legislation amended to include violence and harassment?

New Brunswick was one of a few Canadian provinces and territories without legislation to manage workplace violence or harassment.

Stakeholders from a variety of sectors including health care, education, and retail voiced their concerns about sources of violence in their workplaces and its impact on their employees and business. Following consultation with our stakeholders, these changes to legislation were introduced as an extension of the health and safety measures all employers and workers should embrace in their workplace.

### 4. What workplaces are affected by the legislation?

The legislation pertaining to harassment will impact all NB workplaces. Each workplace will be required to develop a code of practice to prevent and manage harassment.

However, the legislation addressing workplace violence has two major requirements:

1. All NB workplaces will be required to conduct a risk assessment to determine the likelihood of violence.
2. A code of practice will be required under certain circumstances that are found in sections 374.2 (3) and (4) of General Regulation 91-191.

\* The Intimate Partner Violence Intervention Act:  
<http://laws.gnb.ca/en/Showpdf/cs/2017-c.5.pdf>

“intimate partner violence” means violence committed against a person by another person who is or has been in an intimate personal relationship with the person and includes the following:

- (a) abusive, threatening, harassing or violent behaviour used as a means to psychologically, physically, sexually or financially coerce, dominate and control the other member of the relationship; and
- (b) deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

*As questions arise, we will add them to our FAQs on our website. [Check there for the most up-to-date FAQs.](#)*

## 5. Are some workplaces more at risk to violence than others?

Yes. All workplaces that provide the following services are considered a higher risk for violence and must conduct a risk assessment and a code of practice to mitigate and prevent violence.

- Emergency services (police, fire departments, ambulance services)
- Health care services, including veterinary medicine and pharmaceutical service providers
- Teaching
- Early learning and licensed child care facilities
- Home support services
- Retail sales (including convenience stores, licensed cannabis retail outlets, and premises licensed to provide alcohol)
- Financial services (banks, credit unions)
- Gaming services, such as casinos
- Hired transportation services (public and private) for goods or persons
- Mental health and social services (social work, support work, outreach work, crisis intervention)
- Private investigation services
- Public services (provincial government departments and agencies, and those who supply products or services to government agencies)

Some workplaces may not find themselves specifically included in this list, such as cities, town and villages. While not specifically included in the specified services, municipalities are not excluded from the violence regulations. Municipalities should consider the types of work that their employees do. For example, bus transit services are provided by municipalities and must conduct both a risk assessment and develop a code of practice. They should also consider the types of work that may expose their employees to violence. For example, an administrative clerk interacting with clients and taking fine payments or a by-law enforcement employee conducting inspections and issuing fines. Workplaces with multiple types of work activities should consider each type of work when conducting the risk assessment.

## 6. In addition to particular industries, can certain work factors put people at increased risk for workplace violence?

Yes. These include:

- Working with the public (receptionists, retail workers)
- Handling money, valuables or prescription drugs (cashiers, pharmacists)
- Carrying out inspection or enforcement duties (health and safety officer, by-law enforcement)
- Working with unstable or volatile persons (social services, health care, criminal justice system)
- Providing service, care, advice or education (health care, teachers)
- Working in premises where alcohol is served (food and beverage staff)
- Working in a mobile workplace (taxi, public transit).

Furthermore, the risk of violence may be higher at certain times of the day, night or year. For example:

- Late-night or early-morning hours
- Tax return season
- Overdue utility bill cut-off dates
- Holidays
- Paydays
- Performance appraisals
- Report cards or parent interviews

*As questions arise, we will add them to our FAQs on our website. [Check there for the most up-to-date FAQs.](#)*

## 7. How does violence and harassment affect workplaces?

- Violence and harassment affects the safety and security of employees, customers, clients and business owners.
- It claims a high personal cost from the emotional trauma and physical injury experienced by victims, their families and co-workers.
- It brings high costs to the employer.

## 8. If my workplace has a code of practice on violence, but is found to be ineffective, what are my employer's obligations?

There are a few ways that a code of practice on violence could be found to be ineffective, and the remedies vary:

- An employee could identify deficiencies to the joint health and safety committee, health and safety representative or to the employer. In this case, the employer should consider the issue that was identified and assess the alternatives available to fix the issue.
- The required annual review of the code of practice may identify opportunities to improve the code. Recommendations to improve the code of practice should be communicated to the employer. The employer should consider the recommendations and provide a response.
- With respect to the code of practice for violence, your workplace could revisit your risk assessment to determine if all identified risks were captured and incorporated in the code.
- A health and safety officer may visit your workplace to conduct an inspection, respond to a complaint or investigate an incident. An officer who determines that the code of practice on violence is incomplete or ineffective may issue compliance orders with instructions to review or revise the code.

## 9. The legislation requires that a risk assessment for preventing violence and a code of practice for managing both violence and harassment be reviewed whenever there is a change at the workplace. For industries such as construction, where activities and personnel on construction projects change frequently, what are the expectations of employers and contractors to ensure compliance?

For industries like construction where work can be happening in various locations, the employer can develop a generic risk assessment and code of practice that reflects most projects. Once at the worksite, the employer can review and amend the risk assessment, in consultation with the JHSC, health and safety representative or employees, to determine if changes are necessary and, if yes, modify the generic code of practice.

## 10. How is the criminality of violent acts addressed in the legislation?

The regulation is designed to prevent the effects of violence on employees. It does not change how law enforcement should respond to criminal acts of violence. Therefore, if an act of violence at work appears to be criminal in nature (physical assault), law enforcement agencies will need to get involved.

## 11. When can WorkSafeNB provide support and compensation coverage in cases of violence and harassment?

When you're hurt on the job, WorkSafeNB is there to help you get back to work and feeling like yourself again. We can provide compensation coverage and arrange for treatment.

In the case of workplace harassment and violence, WorkSafeNB can provide compensation coverage to a worker when the incident has resulted in a diagnosable injury or illness. With violence it may be physical, but for harassment the injury may be psychological. Compensation

*As questions arise, we will add them to our FAQs on our website. [Check there for the most up-to-date FAQs.](#)*

is available for psychological injuries when they meet the criteria of a traumatic event, which is defined as being exposed to one or more of the following:

- Death
- Threat of death
- Actual or threatened serious injury
- Actual or threatened sexual violence

### **12. I am a small accounting firm with 10 employees – what do the changes mean for me?**

There are two things that all employers in the province, regardless of size or nature of work, are required to do:

- Develop and implement a code of practice for workplace harassment.
- Conduct and document a risk assessment for violence at their workplace. As a smaller employer, depending on the results of the risk assessment, you may need to implement a code of practice on workplace violence.

If you do not offer services specified in the regulation\* and have fewer than 20 employees regularly employed in the province, you must still complete a risk assessment for violence at your workplace. If the risk assessment finds there is a risk for violence, you must establish a code of practice on violence.

\* Regardless of the number of employees, employers operating a business in the following industries must develop a code of practice:

- Government and third-party service providers under contract to government
- Health care providers
- Veterinary services
- Pharmacies
- Education and child care providers
- Police and first responders
- Security services
- Retail services
- Delivery services
- Financial service providers
- Alcohol and cannabis sales
- Taxis and public transportation
- Gaming
- Home support services
- Crisis counselling and intervention service providers

### **13. Will there be a phased approach to compliance and enforcement related to potential infrastructure changes that may be required of employers?**

As with all new legislation, WorkSafeNB takes a phased approach to compliance and enforcement. Health and safety officers have discretion when issuing orders and are advised to do so where appropriate. This could include setting the date by which the employer must comply with the order(s). When doing so an officer will consider the magnitude of work needed to comply. Any order can be appealed to the chief compliance officer within 14 days. The chief compliance officer's decision can be appealed to the Workers' Compensation Appeals Tribunal (WCAT).

*As questions arise, we will add them to our FAQs on our website. [Check there for the most up-to-date FAQs.](#)*

## OCCUPATIONAL HEALTH AND SAFETY ACT

“harassment”, in a place of employment, means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but does not include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment;

“violence”, in a place of employment, means the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence;

## VIOLENCE AND HARASSMENT

### Codes of Practice

#### Assessment of risk

**374.1(1)** An employer shall assess the risk of violence at the place of employment.

**374.1(2)** In assessing the risk of violence, an employer shall consult with

- (a) all committees, if any,
- (b) all health and safety representatives, if any, or
- (c) if there is no committee or representative, employees.

**374.1(3)** When conducting the assessment referred to in subsection (1), the employer shall consider the following information:

- (a) the location and circumstances in which the work is carried on;
- (b) the risk that may arise out of or in connection with
  - (i) an employee’s work, or
  - (ii) sexual violence, intimate partner violence or domestic violence occurring at the place of employment;
- (c) the categories of employees at risk, or the types of work that place employees at risk of experiencing violence;
- (d) the possible effects on the health or safety of employees who are exposed to violence at the place of employment;
- (e) all previous incidents of violence at the place of employment; and
- (f) incidents of violence in similar places of employment.

**374.1(4)** An employer shall ensure that the assessment referred to in subsection (1) is documented and made available to all committees, if any, or all health and safety representatives, if any, and to an officer on request.

**374.1(5)** The employer shall review the assessment of the risk of violence and update it

- (a) when there is a change in conditions at the place of employment, or
- (b) when ordered to do so by an officer.

#### Establishing code of practice for violence

**374.2(1)** The following definitions apply in this section.

“emergency service provider” means

- (a) a police force as defined in the *Police Act*,
- (b) a fire department organized to serve any area of the Province, or
- (c) an ambulance service provided in accordance with the *Ambulance Services Act*.

“health professional” means a person who

- (a) provides a service related to the preservation or improvement of the health of individuals or the diagnosis, treatment or care of individuals who are injured, sick, disabled or infirm, and
- (b) is registered or licensed under an Act of the Province to provide the service.

“pharmacist” means a person licensed to practise pharmacy under the *New Brunswick Pharmacy Act*, 2014.

“Public Service” means the Public Service as defined in the *Public Service Labour Relations Act*.

“social worker” means a person registered under the *New Brunswick Association of Social Workers Act*, 1988.

“veterinarian” means a person who is licensed to practise veterinary medicine under the *Veterinarians Act*.

**374.2(2)** A code of practice for violence shall

- (a) mitigate the risk of violence at the place of employment and ensure the health and safety of employees to the extent possible, and
- (b) consider any risk of violence that is identified in an assessment referred to in subsection 374.1(1).

**374.2(3)** An employer that has 20 or more employees regularly employed at one or more places of employment in the Province shall establish a written code of practice for violence.

**374.2(4)** An employer that has fewer than 20 employees regularly employed at one or more places of employment in the Province shall establish a written code of practice for violence in any of the following circumstances:

- (a) work is carried on at the place of employment by any of the following persons:
  - (i) an employee of the *Public Service*;
  - (ii) a supplier of goods or services to a public body under the *Procurement Act*;
  - (iii) an employee of an emergency service provider;
  - (iv) a health professional;
  - (v) a pharmacist;
  - (vi) a veterinarian;
  - (vii) a social worker, outreach worker, crisis intervener or support worker, including persons providing services to victims of intimate partner violence, domestic violence or sexual violence;
  - (viii) an employee of an agency as defined in the *Private Investigators and Security Services Act*; or
  - (ix) a person registered or licensed under an Act of the Province to provide financial services;
- (b) the following work is carried on at the place of employment:
  - (i) teaching;
  - (ii) early learning and childcare services;
  - (iii) retail sales;
  - (iv) transporting goods or persons for hire in a vehicle, whether the vehicle is owned by a public body or privately owned; or
  - (v) home support services;
- (c) work is carried on at any of the following places of employment:
  - (i) a casino or other gaming premises under the *Gaming Control Act*;
  - (ii) a place in respect of which a licence or permit issued under the *Liquor Control Act* applies and to which members of the public have access; or
  - (iii) a cannabis retail outlet as defined in the *Cannabis Control Act*; or
- (d) an assessment referred to in subsection 374.1(1) identifies a risk of violence.

**374.3(1)** A code of practice established under section 374.2 shall include the following:

- (a) an inventory of the locations at which and circumstances in which
  - (i) violence may reasonably be expected to occur, and
  - (ii) the code of practice would be applicable;

- (b) a description of the types of violence that may reasonably be expected to occur;
- (c) a description of the categories of employees at risk, or of the types of work that place employees at risk of experiencing violence;
- (d) the identity of the person responsible for implementing the code of practice; and
- (e) a statement that an employee shall report an incident of violence to the employer as soon as the circumstances permit.

**374.3(2)** A code of practice referred to in subsection (1) shall set out the actions and measures the employer shall take to mitigate the risk of violence, including

- (a) the methods and equipment to be used and the procedures to be followed,
- (b) the follow-up measures to be used with affected employees,
- (c) the means, including alternative means, by which an employee may secure emergency assistance,
- (d) the procedure the employer shall follow to investigate and document any incident of violence of which the employer is aware,
- (e) the manner in which affected employees shall be informed of the results of an investigation,
- (f) the procedure the employer shall follow to implement any corrective measures identified as a result of the investigation, and
- (g) the identification of training needs.

### **Code of practice – harassment**

**374.4(1)** An employer shall establish a written code of practice for harassment at the place of employment to ensure the health and safety of employees to the extent possible.

**374.4(2)** A code of practice for harassment shall include the following:

- (a) a statement that every employee is entitled to work free of harassment;
- (b) the identity of the person responsible for implementing the code of practice;
- (c) a statement that an employee shall report an incident of harassment to the employer as soon as the circumstances permit;
- (d) the procedure the employer shall follow to investigate and document any incident of harassment of which the employer is aware;
- (e) the manner in which affected employees shall be informed of the results of an investigation;
- (f) the procedure the employer shall follow to implement any corrective measures identified as a result of the investigation;
- (g) the follow-up measures to be used with affected employees; and
- (h) the identification of training needs.

### **Implementation**

**374.5(1)** An employer shall ensure that the codes of practice established under section 374.2 and 374.4 are, when followed, sufficient to provide for the health and safety of employees at the place of employment to the extent possible.

**374.5(2)** In establishing and implementing the codes of practice referred to in subsection (1), an employer shall consult with

- (a) all committees, if any,
- (b) all health and safety representatives, if any, or
- (c) if there is no committee or representative, employees.

**374.5(3)** An employer shall ensure that a copy of the codes of practice referred to in subsection (1) is readily available to an officer and to employees on request.

**374.5(4)** An employer shall ensure that the codes of practice referred to in subsection (1) are implemented and followed at the place of employment.

**374.5(5)** An employee shall follow all codes of practice.

### **Privacy**

**374.6(1)** An employer shall not disclose to any person the identity of a person who is involved in an incident of violence or harassment or the circumstances related to the incident, other than when the disclosure is

- (a) necessary in order to investigate the incident,
- (b) required in order to take corrective measures in response to the incident, or
- (c) required by law.

**374.6(2)** The personal information that is collected, used or disclosed by the employer under sections 374.1 to 374.5 shall be limited to the minimum amount of information necessary to accomplish the purpose.

### **Training**

**374.7(1)** An employer shall implement a training program in respect of the codes of practice established under sections 374.2 and 374.4 for each employee and for each supervisor who is responsible for an employee.

**374.7(2)** The training record for each employee shall be made available to an officer on request.

### **Review and update**

**374.8(1)** An employer shall review the codes of practice established under section 374.2 and 374.4 at least once each year in consultation with

- (a) all committees, if any,
- (b) all health and safety representatives, if any, or
- (c) if there is no committee or representative, employees.

**374.8(2)** An employer shall update the codes of practice referred to in subsection (1)

- (a) when there is a change in conditions at the place of employment, or
- (b) when ordered to do so by an officer.



