Compliance Review eSafetyFirst Canada

Online Workplace Violence and Harassment Training

The purpose of this document is to outline the compliance review for the eSafetyFirst Canada (eSafetyFirst) online **Workplace Violence and Harassment Training** course. The course was viewed in its entirety and then reviewed chapter by chapter to determine both compliance and alignment with federal and provincial jurisdictions in Canada.

Evaluating a theory-only, online course for **Workplace Violence & Harassment Training** in Canada requires verifying that it properly balances two distinct legal frameworks: **Provincial OHS Regulations** (the course used Ontario's foundational **Bill 168** framework as the gold standard for provincial alignment and **Federal Jurisdiction** - **Bill C-65** under Part II of the Canada Labour Code).

Because the course is entirely digital, the course focus moves beyond generic and aspirational, "be nice to your coworkers" messaging. The course provides more than enough information where the learner can accurately identify legal boundaries, reporting structures, and rights under Canadian OHS Legislation.OHS Legislation outlines certain points that any worker is expected to be aware of regarding workplace harassment and violence. This course addresses all these points. More information is contained in the report below.

There are some issues that should be addressed so the course meets continuity across different provinces. These will be addressed under suggestions for improvement.

All corrective actions are noted in **BOLD RED** font.

1. Distinguishing Legal Frameworks & Jurisdictions

Canadian employees must understand which set of laws governs their specific workplace, as reporting pathways differ significantly. Learners should be able to:

- **Identify Jurisdiction:** Differentiate between *provincially regulated* workplaces (e.g., retail, healthcare, hospitality governed by **provincial OHS Acts**) and *federally regulated* workplaces (e.g., banking, telecom, interprovincial transport governed by the **Canada Labour Code / Bill C-65**).
- **Recognize what OHS Legislation addresses:** Understand that provincial legislation addresses workplace violence, physical threats, and harassment. Understand that starting with Bill 168 workplace harassment and violence and all its

subsets have been absorbed into traditional occupational health and safety systems.

- **Recognize the Objective of Bill C-65 (Federal):** Identify that Bill C-65 combined "harassment" and "violence" into a single, comprehensive prevention framework focused heavily on psychological injury, timelines, and rigorous resolution pathways.

~~The course covers this material in Module 1 but does not specifically note Bills 168 and C-65. The blog https://esafetyfirst.com/blog/workplace-violence-harassment-in-canada-ensuring-a-safe-and-secure-working-environment/ specifically mentions Bill 168 and C-65.~~ **A new slide was added that addresses and corrects this.**

2. Statutory Definitions & Legal Thresholds

A course must evaluate whether the learner knows exactly what legally constitutes a violation, moving beyond subjective feelings to statutory definitions. Learners need to be able to:

- **Define Workplace Violence:** Correctly identify the legal threshold of violence—including the actual application of physical force, the *attempted* use of force, or any statement/behavior that a worker can reasonably interpret as a threat of physical injury. It is important to note, verbatim definitions are not required but being able to paraphrase the legal requirement is.
- ~~**Define Workplace Harassment (Vexatious Conduct):** Identify the standard legal test for harassment: a course of vexatious (harmful, annoying, or uncalled for) comment or conduct that is known, *or ought reasonably to be known*, to be unwelcome (it should be added, "will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety" as it provides a more robust definition and is used by other jurisdictions)~~ **A revised slide improves this.**
- **Differentiate Harassment from Management Rights:** Demonstrate understanding that legitimate, reasonable management actions (e.g., performance reviews, operational direction, or constructive feedback delivered professionally) do **not** legally constitute harassment.
- **Recognize Prohibited Grounds:** Identify when harassment crosses the line into a violation of Human Rights legislation (e.g., discrimination based on race, sex, sexual orientation, disability, or religion).

These definitions and points are addressed in module 1 and the accompanying blog article found here, https://esafetyfirst.com/blog/workplace-violence-harassment-in-canada-ensuring-a-safe-and-secure-working-environment/ .

3. The Employer Duty to Assess & Control Risk

Workers must understand the proactive measures employers are legally required to take so they can participate in them effectively:

- **Risk Assessments:** learners should understand that employers are mandated to perform recurring or periodic risk assessments based on the physical nature and location of the workplace and share those findings with the Joint Health and Safety Committee (JHSC).
- **Identifying hazards even if they are people:** Identify the legal requirement (originating in Bill 168) that an employer must warn a worker if they are likely to encounter a person with a *known history of violent behavior* (e.g., a client, patient, or student) if there is a risk of physical injury. Other jurisdictions simply address this under the hazard assessment for example, patients or nursing home residents. **See the suggestions for improvement for more information.**
- **Domestic Violence Extension:** Recall that if an employer is made aware that domestic violence is likely to spill over into the physical workplace, they have a legal statutory duty to take "every precaution reasonable" to protect that worker.

The course covers this information extensively in Module 1.

4. Reporting Mechanisms & Resolution Pathways

An online course must convey to the learner what to do when an incident occurs, testing procedural literacy. Learners need to be able to:

- **Identify the Designated Party (Workers under federal jurisdiction):** Identify that under Bill C-65, federal employers must provide an independent **Designated Party** or work unit to receive complaints, allowing employees to bypass their immediate supervisor if that supervisor is the perpetrator.
- **The Right to Reprisal Protection:** Identify the strict legal prohibition against employer retaliation or reprisal for a worker filing a good-faith complaint or participating in an investigation.
- **The Work Refusal Threshold:** Recall the specific conditions under provincial OHS laws where a worker has the legal right to refuse work if workplace violence

(physical danger) is *likely* to endanger them, while noting the unique limitations placed on certain professions (e.g., healthcare workers or teachers).

This information is covered in both modules. The third party or designated party requirement is outlined in the blog. **See Suggestions for improvement.**

5. Investigation Protocols & Confidentiality Boundaries

Though workers may not be involved in investigations, they must know what to expect from their employer and how an investigation may work. Learners need to be able to:

- **The Duty to Investigate:** Identify that employers are legally required to conduct an objective, thorough investigation into *all* formal complaints of violence or harassment, regardless of whether a police report or human rights claim has been filed.
- **Confidentiality Limits:** Recognize that while investigations are confidential, that confidentiality is *not absolute*—identifying information will be disclosed as necessary to investigate the incident, take corrective action, or as required by law.
- **Role of Third-Party Investigators:** Identify that under federal frameworks, if a negotiated resolution fails, a jointly agreed-upon, qualified **independent investigator** must be appointed to review the case

These are covered in both modules.

Suggestions for improvement:

- ~~It is suggested that the course add a slide addressing violence in healthcare, nursing home residents and hospital/clinic patients. This demographic suffers the highest per capita incidents of workplace harassment and violence than any other occupational group in Canada.~~ **This has been addressed and corrected in a new slide**
- The blog articles contain a lot of good and necessary information. They should be emphasized as required reading both in the course page and during the course introduction in the video series.
- ~~Many jurisdictions in Canada separate harassment from violence. Slides 10-13 in Module 1 lump them both together. Then in slides 19-23 talk specifically of harassment. It would be good to separate harassment from violence. Both are severe and considered as hazards in the workplace but for continuity and understanding it would be better if they were separated when providing examples.~~ **This has been addressed and corrected in a revised slide**

- ~~Module 1 slide 22 mentions bullying, however, no clear definition on it which might leave the learner confused. The other examples, excluding sexual harassment are good examples of bullying. Bullying is often referred to in Canadian policy as **psychological harassment** or **incivility**. It is repeated, persistent, and harmful behavior directed at an individual to demean, humiliate, or intimidate them.~~

  ~~The key difference is that **bullying doesn't need a motive tied to a protected trait** (or also referred to as protected grounds). A bully might target someone simply because they don't like them, feel threatened by their talent, or enjoy abusing power. Common examples of bullying include:~~

  - ~~Gossip, rumors, or social isolation/exclusion.~~
  - ~~Yelling, public humiliation, or constant micromanagement.~~
  - ~~Setting someone up to fail by withholding vital information or assigning impossible deadlines.~~

  This has been addressed and corrected in a revised slide

- With the scenarios, it would be good to have a follow up slide to ask the worker, what answer they gave, and then provide the correct answer and why. For instance in Scenario 2 Slide 9 and 10, just simply say the right answer is and then provide the explanation.

References:

CCOHS Violence and Harassment in the Workplace - https://www.ccohs.ca/oshanswers/psychosocial/violence/violence.html

CCOHS Bullying in the Workplace - https://www.ccohs.ca/oshanswers/psychosocial/bullying.html



Kevin Barrett CRSP CRM 13-4856