



Workplace Violence - Amendment to *The Saskatchewan Employment Act* and *The Occupational Health and Safety Regulations*

With the introduction of Bill 91, some legislative changes have been made regarding violence in the workplace, and the responsibilities that both employers and employees have regarding violence in the workplace. The amendment has implications for school divisions, and it is important for school divisions to understand the implications that these amendments have on their obligations as employers to prevent violence and harassment in the workplace.

Bill 91 was introduced by the Government of Saskatchewan on November 3, 2022, and it came into force on May 17, 2023. There are four main areas of change to be noted:

1. Updated Definitions

(a) Workplace Violence - Section 3-26 of *The Occupational Health and Safety Regulations* defines workplace violence to be “the attempted, threatened or actual conduct of a person that causes or is likely to cause injury and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.”

(b) Worker – The amendment to the Act includes expanding the term “worker” to include students, volunteers, and contracted workers.

2. Duties of Employers, Supervisors and Employees – Violence prevention is emphasized in a number of provisions, including requirements on employers to ensure “insofar as reasonably practicable” that workers are not exposed to violence in the workplace. There is an obligation on school divisions to be aware of risks of violence and take steps to reduce the likelihood of a violent episode.

3. Investigations – The legislation now includes specific direction that an employer must conduct an investigation into *any* workplace harassment. This will increase the number of investigations required. Even a suspicion of harassment must now be investigated.

4. Workplace Violence Policies

By May 17, 2024, employers must:

- Have a written policy and prevention plan in place which includes:
 - i. A statement of commitment to minimize or eliminate the risk to employees and workers.
 - ii. Identify who the policy applies to – which staff positions and which work sites.

- iii. Procedure to inform employees and workers of the extent and nature of the risk of workplace violence.
- iv. State the actions the employer will take to ensure the safety of employees and workers and to minimize or eliminate risk.
- v. Processes to report an incident, document the incident, investigate the incident, and counselling for employees and workers impacted by the incident.
- vi. Ensuring employees are informed of the policy and provide training to employees and workers which must include:
 - a) How to recognize potential workplace situations;
 - b) Procedures, practices, and controls in place to minimize or eliminate risk to workplace violence;
 - c) Appropriate actions/responses to incidents; and,
 - d) Reporting procedures.

School Divisions have by May 17, 2024, to ensure workplace violence policies are in place. Teachers and other school division staff, as well as students, must be aware and educated on the policy.

If you have any questions please contact SSBA Legal Services - Labour & Employee Relations at legalservices@saskschoolboards.ca.