November 27, 2025 Via Email

To: Occupational Health and Safety Regulations Review
Corporate Services Division
Ministry of Labour Relations and Workplace Safety
300 - 1870 Albert Street, Regina SK S4P 4W1
legislation.labour@gov.sk.ca

RE: Submission on Occupational Health and Safety Regulations Review

Enclosed is our submission for the Occupational Health & Safety Regulations Review (Parts 1-5).

We are this province's largest union, representing over 31,000 frontline public service workers. Our members work in healthcare, education, municipalities, universities, libraries, childcare, community-based organizations, long-term care facilities, group homes, and other workplaces.

Our union, and our members, take health and safety very seriously. One of the goals we always have is to create the highest standard of health and safety. The recommendations in our submission would help make Saskatchewan a leader again with regards to the health and safety of workers and workplaces, as well as injury prevention.

As always, we remain committed to work with anyone who wants to strengthen the rights and safety of working people.

Sincerely,

Kent Peterson
President

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Submission

Response to discussion paper: *Engagement on The Occupational Health and Safety Regulations, 2020*

Occupational Health and Safety Regulations Review: Phase I (Parts 1 – 5)

November 27, 2025

Canadian Union of Public Employees Saskatchewan
cupesask.ca

Over 31,000 members delivering public services across Saskatchewan.

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INTRODUCTION

CUPE Saskatchewan welcomes this opportunity to submit our recommendations to the review of *The Occupational Health and Safety Regulations, 2020*.

It is our hope that your government is working to raise the standards for health and safety. We hope that you find these recommendations to be useful, and we look forward to working with you to make work healthier and safer in Saskatchewan.

CUPE Saskatchewan is this province's largest union, representing over 31,000 frontline public service workers. CUPE is also Canada's largest union, representing 800,000 members across the country. Our members are very concerned about having an effective, fair, and responsive health and safety system. Our members work in healthcare, education, municipalities, long-term care facilities, libraries, childcare centers, public housing, recreational centres, group homes, universities, and other public and private sector workplaces.

CUPE is committed to occupational health and safety through a National Health and Safety Branch, as well as through regional full-time health and safety representatives. We believe that the prevention of injuries is the paramount consideration in both improving the quality of working conditions and lowering workers' compensation costs.

In developing these recommendations, we did a comprehensive review of leading practices in occupational health and safety legislation from the various federal, provincial, and territorial jurisdictions across Canada. We have considered relevant national and international standards, including those established by the Canadian Standards Association (CSA), the International Organization for Standardization, and recognizing best practices from comparable jurisdictions. Our recommendations are informed by this jurisdictional analysis and are designed to align Saskatchewan's regulations with proven, effective approaches that prioritize worker protection while considering the practical realities of workplace implementation. We believe that Saskatchewan workers deserve the same level of protection afforded to workers in leading jurisdictions, and that harmonization should mean raising standards to match the best, not lowering them to the minimum.

This submission will deal with responses to each section of the discussion paper as well as general recommendations for each section of the regulations.

DISCUSSION PAPER SECTION 1 – NOTIFICATIONS

Are the existing notification requirements in Part 2 of the Regulations adequate?

See answers for other questions.

Is the notification period of a high-risk asbestos process in section 2-1 adequate?

CUPE supports the existing reporting requirements for asbestos, as long as this provides sufficient time for the ministry to perform any work they deem necessary to ensure the safety of workers.

Is the notification requirement in section 2-2 sufficient?

CUPE does not find the existing reequipments in this section sufficient.

As noted in the discussion paper, hospital stays have shortened. Any incident that requires the intervention of a medical professional should be reported. However, CUPE further posits that the outcome of an incident is actually far less important than the potential outcome. This concept is captured in the following section of the Regulations (2-3).

Recommendation 1: Combine section 2-2 and 2-3

2-3(1) In this section, **"dangerous occurrence"** means

(a) any occurrence that does ~~not result in, but~~ **or** could have resulted in:
  i) the death of a worker; or,
  ii) require a worker to be provided medial support by a qualified medical professional

(b) the structural failure or collapse of:

  i) a structure, scaffold, temporary falsework or concrete formwork; or
  ii) all or any part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation;

~~(b)~~**(c)** the failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment;

~~(c)~~**(d)** an accidental contact with an energized electrical conductor;

~~(d)~~**(e)** the bursting of a grinding wheel;

~~(e)~~**(f)** an uncontrolled spill or escape of a toxic, corrosive or explosive substance;

~~(f)~~**(g)** a premature detonation or accidental detonation of explosives;

~~(g)~~**(h)** the failure of an elevated or suspended platform; and

~~(h)~~**(i)** the failure of an atmosphere-supplying respirator.

(2) An employer, contractor or owner shall give notice to the ministry as soon as is reasonably possible of any dangerous occurrence that takes place at a place of employment, whether or not a worker sustains injury.

(3) A notice required by subsection (2) must include:

(a) the name of each employer, contractor and owner at the place of employment;

(b) the date, time and location of the dangerous occurrence;

(c) the circumstances related to the dangerous occurrence; and

(d) the name, telephone number and fax number of the employer, contractor or owner or a person designated by the employer, contractor or owner to be contacted for additional information.

(4) An employer, contractor or owner shall provide each co-chairperson or the representative with a copy of the notice required by subsection (2).

DISCUSSION PAPER SECTION 2 – YOUTH EMPLOYMENT

Do you have any recommendations to improve the regulatory provisions related to youth employment?

Is the list of prescribed places of employment in section 3-3 of the Regulations relevant and sufficient?

The age of youth employment is likely too low for a number of high-risk operations listed in 3-3(1).

Recommendation 2: Amend 3-3(1)

Move item (a) – (h) and (j) to the list found in Section 3-3(2).

DISCUSSION PAPER SECTION 3 – OCCUPATIONAL HEALTH AND SAFETY PROGRAM

Are the requirements for an occupational health and safety program adequate?

CUPE proposes that the legislation around the occupational health and safety program can be strengthened and should apply to all workplaces. In the existing regulations, worker participation is reduced to a vague “strategy” rather than a meaningful joint system, and there is no requirement for union involvement where workers are organized. Critical program elements are missing, including requirements to address psychosocial hazards. The three-year review interval is excessive, given how rapidly workplaces change. The “change of circumstances” trigger is vague and reactive rather than proactive, with no provision for workers or committees to demand program reviews when they identify deficiencies.

Recommendation 3: Amend 3-11

3-11(1) An occupational health and safety program required by section 3-20 of the Act must:

(a) Must be developed by all employers who employ 10 or more employees

(b) be developed jointly by the employer and the occupational health committee.

(c) be made readily available to all workers:

(i) in languages spoken by workers at the workplace;

(ii) in formats accessible to workers with disabilities;

(iii) at multiple locations throughout the workplace;

(iv) electronically with appropriate accessibility; and

(v) in print format upon request;

(d) include a written statement of the employer's commitment to:

(i) maintaining a safe and healthy workplace;

(ii) complying with the Act and regulations;

(iii) supporting worker participation in health and safety activities without reprisal;

(iv) applying the hierarchy of controls, with elimination and engineering controls prioritized over administrative controls and personal protective equipment; and

(v) continuous improvement of health and safety performance;

(e) include a comprehensive hazard identification, assessment, and control process that:

(i) systematically identifies workplace hazards (including physical, chemical, biological, ergonomic, and psychosocial hazards where they exist);

(ii) prioritizes hazard control based on severity and likelihood;

(iii) implements controls following the hierarchy of controls;

(iv) documents all hazards, assessments, and controls;

(v) includes worker participation in all stages; and

(vi) addresses both routine and non-routine work activities;

(f) include detailed emergency response procedures that:

(g) include a schedule for regular workplace inspections

(h) include details on how training related to this program and occupational health and safety hazards will be provided.

(i) include details on how dangerous events will be investigated that specifies:

(i) time frame for investigation

(ii) how health and safety committees will participate, or if there is no committee the worker health and safety representative

(j) a commitment to review the program every two years or whenever:

(i) a serious injury, fatality, or dangerous occurrence occurs;

(ii) work processes, equipment, or materials change;

(iii) new hazards are identified;

(iv) regulations or standards change;

Is the list of workplaces in Table 7 relevant and sufficient?

CUPE does not support offering some workers protections under the legislation and not others. The regulations should apply to all workplaces with 10 or more workers, and Table 7, and any references should be removed.

Is the threshold of 10 workers adequate?

CUPE supports the threshold of 10 workers.

DISCUSSION PAPER SECTION 4 – EMPLOYERS' DUTY TO INVESTIGATE ACCIDENTS

Is the existing requirement relevant and sufficient?

The existing investigation requirements in Sections 3-18 through 3-20 remain relevant but are insufficient to protect Saskatchewan workers adequately. The framework's strengths–including joint investigation requirements, mandatory written reports with corrective actions, scene preservation protocols that protect evidence integrity, and coverage of both accidents and dangerous occurrences–establish important foundational protections. However, critical gaps undermine the effectiveness of these provisions from a union perspective.

Is the 24-hour hospital admission requirement adequate?

The 24-hour hospital admission requirement is outdated and inadequate for determining thresholds for investigations. Improvements in medical practice in the past 20 years have fundamentally changed since this threshold was established. Severe injuries like amputations, multiple fractures, serious chemical exposures, and traumatic brain injuries are now routinely treated and discharged in under 24 hours due to advances in emergency medicine, ambulatory surgery, and hospital capacity pressures. Other jurisdictions (for example, Ontario and Manitoba) utilize the concept of "critical injury" definitions based on injury severity, such as fractures (except fingers/toes), amputations, loss of consciousness, burns requiring medical treatment, injuries requiring surgery, hazardous substance exposures, permanent impairments, and multiple-worker

incidents. These severity-based triggers capture the true nature of workplace hazards, regardless of hospital administrative decisions, ensuring consistent application across different healthcare facilities, and aligning investigation requirements with the actual impact on workers' lives and safety.

Recommendation 4: Amend 3-18(1)

Under 3-18(1) replace "...*requires a worker to be admitted to a hospital as an in-patient for a period of 24 hours or more…*" with the following:

results in a critical injury to a worker, defined as an injury that:

- **(a) places life in jeopardy or produces unconsciousness;**
- **(b) results in substantial loss of blood;**
- **(c) involves fracture of a leg or arm, but not a finger or toe;**
- **(d) involves amputation;**
- **(e) consists of burns requiring medical treatment beyond first aid;**
- **(f) causes loss of sight in an eye;**
- **(g) requires surgery or treatment under general anesthesia;**
- **(h) results from exposure to a hazardous substance requiring medical treatment;**
- **(i) causes or may cause permanent impairment of body function; or**
- **(j) requires admission to a hospital as an inpatient.**

Additionally, add an additional clause or subsection to 3-18(1) with the following:

(1.1) For the purposes of subsection (1), 'may cause the death' includes any accident involving:

- **(a) an uncontrolled release of hazardous energy or substances;**
- **(b) structural failure or collapse;**
- **(c) fire or explosion;**
- **(d) multiple workers injured in a single incident; or**
- **(e) any circumstances that an officer determines had the potential to cause death**

Recommendation 5: Amend 3-18(2)

(e) any long-term action that will be taken to prevent the occurrence of a similar accident, **including timelines for implementation. Where the employer determines that long-term corrective action is not reasonably practicable, the employer must provide detailed written justification and propose interim protective measures, subject to approval by an officer.**

Add to the list in 3-18(2)

(f) the report must be provided to all members of the committee or the representative, and to the affected worker(s) or their designate, within seven days of completion;

DISCUSSION PAPER SECTION 5 – INTERFERENCE AT THE SCENE OF AN ACCIDENT

Are the existing requirements adequate? Is the application of section 3-19 to the scene of fatality sufficient?

CUPE supports the current legislative requirements.

DISCUSSION PAPER SECTION 6 – WORKING ALONE OR AT AN ISOLATED PLACE OF EMPLOYMENT

Do you have any recommendations to improve the regulatory provisions related to working alone or in isolation? Is the list of mandatory measures sufficient?

CUPE believes that the regulations found in section 3-24 provide a great foundation, but would point out the following concerns:

- Subsection (4)(b) lists critical safety measures as optional ("may include") rather than mandatory.
- The definition in 3-24(1) uses vague language ("assistance is not readily available") without clear parameters.
- The mandatory requirements are limited to communication systems only.
- Subsection (2) requires consultation but provides no detail on meaningful involvement.

Recommendation 6: Amend 3-24(1)

3-24(1)In this section:

(a) "to work alone" means to work at a worksite as the only worker of the employer or contractor at that worksite, in circumstances where assistance is not readily available to the worker in the event of injury, ill health or emergency.

(b) "readily available assistance" means assistance that can reach the worker within 15 minutes, or such other time as determined by the risk assessment conducted pursuant to subsection (2), taking into account:

(i) the nature and severity of potential hazards;

(ii) geographic and environmental factors;

(iii) availability of emergency services;

(iv) access routes and transportation methods;

(c) "effective communication system" means a communication system that:

(i) functions reliably in all environmental conditions present at the worksite;

(ii) enables two-way communication between the worker and a designated contact person;

(iii) includes a backup communication method; and

(iv) is tested at intervals specified in the working alone policy.

Recommendation 7: Amend 3-24(2)

(2) If a worker is required to work alone or at an isolated place of employment, an employer or contractor, in consultation with the committee, the representative or, if there is no committee or representative, the workers, shall: ~~identify the risks arising from the conditions and circumstances of the worker's work or the isolation of the place of employment.~~

(a) conduct, with participation of the committee, or if there is no committee, a representative, a written risk assessment that identifies all risks arising from:

(i) the conditions and circumstances of the worker's work;

(ii) the nature of tasks to be performed;

(iii) the worker's level of experience and training;

(iv) potential for violence, harassment, or threatening situations;

(v) environmental hazards, including weather conditions;

(b) review and update the risk assessment:

(i) at least annually;

(ii) whenever working conditions change materially;

(iii) following any incident or near-miss involving a worker working alone;

(iv) at the request of the committee, representative, or affected worker.

(2) Workers have the right to refuse to work alone if they reasonably believe the working alone arrangement is unsafe, and such refusal shall be handled in accordance with the work refusal provisions of the Act.

Recommendation 8: Amend 3-24(4)

(4) The steps to be taken to eliminate or reduce the risks pursuant to subsection (3):

(a) must include the establishment of an effective communication system **that enables the worker to summon immediate assistance** that consists of:

(i) radio communication;

(ii) phone or cellular phone communication; or

(iii) any other means that provides effective communication in view of the risks involved; and

(b) the communication systems shall be tested prior to each shift or work period where a worker will be working alone

~~(b)~~**(c)** ~~may include any of the following:~~regular contact by the employer or contractor with the worker working alone or at an isolated place of employment **that includes**:

(i) check-ins at intervals determined by the risk assessment, not to exceed:

- **two hours for high-risk activities;**
- **four hours for moderate-risk activities;**
- **once per shift for low-risk activities;**

(ii) automatic escalation procedures if the worker fails to check in as scheduled;

(iii) designation of a contact person available during all times the worker is working alone;

(d) written emergency response plans specific to each working alone situation that include:

(i) clear procedures for responding to worker emergencies;

(ii) escalation protocols with specific timeframes for action;

(iii) designated emergency contacts with 24/7 availability;

(iv) location information and access instructions for emergency responders;

(v) procedures for the worker to follow in various emergency scenarios;

(vi) annual testing and drills of emergency response procedures;

(e) mandatory training for workers working alone that includes:

(i) recognition of hazards specific to working alone;

(ii) use of communication and monitoring systems;

(iii) emergency response procedures;

(iv) first aid training and certification appropriate to the isolation and risks of the workplace;

(v) refresher training at intervals not exceeding three years;

(f) establishment of written safe work practices or procedures that:

(i) are specific to the working alone situation;

(ii) address all identified risks;

(iii) include clear limitations or prohibitions on activities that cannot be safely performed alone;

(iv) are reviewed with workers prior to working alone;

(v) are readily accessible to workers;

(g) provision of emergency supplies appropriate to the working environment and identified risks, including:

(i) for work in remote or wilderness locations:

(A) adequate first aid supplies;

(B) emergency shelter materials;

(C) food and water for at least 24 hours;

(D) emergency heating or cooling equipment as conditions require;

(ii) for work in extreme cold or inclement weather conditions:

(A) cold weather survival gear;

(B) emergency communication devices;

(C) emergency transportation capability or shelter;

(iii) regular inspection and maintenance of all emergency supplies at intervals not exceeding six months;

Recommendation 9: Add to sections to 3-24:

(5) For workers working alone in public-facing roles where there is risk of violence, harassment, or threatening situations, the employer, with the participation of the health and safety committee or worker representative, shall establish additional measures including:

(i) workplace violence prevention policies and procedures;

(ii) environmental design measures such as visibility, lighting, and secure work areas;

(iii) procedures for workers to remove themselves from threatening situations;

(iv) panic alarms or duress systems;

(v) consideration of security personnel or video monitoring where risks warrant;

(6) the employer, with the participation of the health and safety committee or worker representative, shall identify activities that:

(i) are prohibited when working alone due to the level of risk;

(ii) require a two-person minimum;

(iii) require additional safety measures beyond standard working alone protocols;

~~(ii) limitations on, or prohibitions of, specified activities;~~

~~(iii) establishment of minimum training or experience, or other standards of competency;~~

~~(iv) provision of personal protective equipment;~~

~~(v) establishment of safe work practices or procedures;~~

~~(vi) provision of emergency supplies for use in travelling under conditions of extreme cold or other inclement weather conditions.~~

DISCUSSION PAPER SECTION 7 – HARASSMENT AND VIOLENCE

Do you have any recommendations to improve the regulatory provisions related to harassment and violence?

Please note there is a separate section at the end of this document with a full discussion on the proposed considerations and changes related to violence and harassment.

DISCUSSION PAPER SECTION 8 – OCCUPATIONAL HEALTH COMMITTEES AND REPRESENTATIVES

Is the list of prescribed workplaces in Table 7 relevant and sufficient?

It is the positions of CUPE that all references to Table 7 should be removed, and that Table 7 should be removed. All workplaces have hazards, and all workers should be afforded the same rights to health and safety.

Which party should be responsible for ensuring that a committee meets and that minutes are recorded and posted?

It is the position of CUPE that the employer is completely responsible for ensuring all aspects of the health and safety system or program are in place, including ensuring that the committee meets and that accurate and sufficient minutes are recorded and posted for the following reasons:

1) **Employer Has the Legal Duty.** Under occupational health and safety legislation, the employer has the ultimate legal responsibility for workplace safety. The employer controls workplace resources, scheduling, and infrastructure necessary to facilitate meetings, including ensuring that workers can be backfilled (replaced) for any task related to the work of the committee, including inspections, investigations, and meetings.

2) **Resource and Power Imbalance.** Employers, not employees, control the work schedules and the ability to release workers for meetings, as well as the meeting spaces, facilities, and communications systems or facilities for posting minutes. Employers also have the resources to provide administrative support for minute-taking and distribution as required.

3) **Protects Worker Representatives.** The role of workers in a health and safety committee or a worker representatives should focus on safety advocacy, not administrative burden. Placing administrative responsibility on workers creates an additional potential unpaid work burden, potential for employer criticism (or worse, punishment) if meetings don't occur and would ultimately act as a distraction from substantive safety issues

In summary, workers should be free to participate fully without administrative duties that could be used against them

Are provisions in Part 4 of the regulations appropriate?

CUPE has some concerns with the text in section 4 that will be discussed in the following sections.

Section 4-2(1)

Subclause 2 states that employers are required to ensure "*that there is a sufficient number of members representing workers on the committee to equitably represent groups of workers who have substantially different occupational health and safety concerns.*" This paragraph has been used by employers to attempt to circumvent the duly elected (selected) members chosen by the trade union that represents workers in a workplace. CUPE would further posit that this clause directly contradicts section 3-22 (4) of *The Saskatchewan Employment Act* that states:

> (4) No person who represents workers shall be designated as a member of an occupational health committee unless the person:
>
> (a) has been elected from the place of employment for that purpose by the workers whom the person would represent;
>
> (b) has been appointed from the place of employment in accordance with the constitution or bylaws of the union of which the workers are members;

Recommendation 10: Change section 4-2(1)

CUPE proposed that either subclause 2 is deleted, or the following changes are made:

> **4-2(1)** An employer or contractor who is required to establish a committee shall:
>
> (a) in designating the members:
>
> (i) select persons to represent the employer or contractor on the committee; and
>
> (ii) **where workers are represented by a union, ensure that the committee includes worker representatives elected or appointed in accordance with subsection 3-22(4) of *The Saskatchewan Employment Act* in sufficient numbers to equitably represent groups of workers who have substantially different occupational health and safety concerns;**
>
> (iii) **where workers are not represented by a union, facilitate the election of worker representatives by the workers in sufficient**

numbers to equitably represent groups of workers who have substantially different occupational health and safety concerns;

(1.1) For the purposes of subsection (1)(a)(ii) and (iii):

(a) the determination of what constitutes "substantially different occupational health and safety concerns" shall be made in consultation with:

(i) the union or unions representing the workers; or

(ii) if there is no union, the workers themselves;

Section 4-3

CUPE has concerns about the recent change in practice where health and safety experts (for example, those with a CRSP designation) are invited to the meeting (either as 'guests' or others) but participate as full members of the committee. While these employees can clearly bring health and safety knowledge to the health and safety meeting, they are acting as agents of the employer and need to be counted as such.

Recommendation 11

Add a lead in chapeau (and renumber the remaining clauses) to define the roles of various employees.

4-3(1) For the purposes of this section:

(a) "employer representative" includes:

(i) any person designated by the employer or contractor to represent the employer or contractor on the committee pursuant to section 4-2(1)(a)(i);

(ii) any health and safety coordinator, specialist, consultant, manager, supervisor, or other person who:

(A) is employed by or contracted by the employer or contractor;

(B) has occupational health and safety responsibilities on behalf of the employer or contractor; and

(C) attends committee meetings in any capacity;

(iii) any person who, regardless of their title, attends committee meetings and represents or advances the interests of the employer or contractor;

(b) "worker representative" means any person designated to represent workers on the committee in accordance with section 3-22(4) of *The Saskatchewan Employment Act* and section 4-2 of these regulations.

Section 4-4

CUPE has concerns about the time frame between meetings and feels that it is excessive. While it may not be practical to hold a meeting every month, employers should be expected to hold meetings at least 10 times per year.

Recommendation 12: Change 4-4 (c)

(c) after that, hold a minimum of 10 meetings per calendar year at reasonably regular intervals.

Section 4-5

CUPE has concerns that minutes do not always accurately reflect the decisions made, the deadlines for changes, or the positions of the parties when there is a disagreement about the hazard.

Recommendation 13: Change 4-5 (a)

4-5(1) A committee shall:

(a) record comprehensive minutes of each meeting that include:

(i) the date, time, and location of the meeting;

(ii) the names and roles of all persons in attendance;

(iii) all health and safety concerns, hazards, or issues raised, including:

(A) a description of each concern;

(B) the location and nature of the hazard; and,

(C) any immediate actions taken.

(iv) all recommendations made by the committee or its members;

(v) any disagreements between worker and employer representatives, including:

(A) the nature of the disagreement;

(B) the position and reason of worker representatives; and,

(C) the position and reason of employer representatives.

(vi) follow-up on action items from previous meetings, including:

(A) status of each outstanding item;

(B) whether deadlines were met;

(C) reasons for any delays; and,

(D) revised timelines if necessary.

Section 4-10

CUPE has concerns that there is no standard set around the meeting requirements for the employer to meet with the health and safety representative.

Recommendation 14: Change 4-10

4-10(1) At a place of employment where a representative is designated, an employer shall meet with the representative **a minimum of 10 times per calendar year at reasonably regular intervals.**

Section 4-11

Not all members selected to work on health and safety committees work standard hours, and we need to ensure that it is not just a loss of pay that is protected, but that workers are paid for any time that they need to come into the workplace outside of their personal work time.

Recommendation 15: Change 4-11(b)

(b) members of a committee or a representative have reasonable opportunity to receive and investigate concerns, to inform workers of the provisions of the Act or any regulations made pursuant to the Act, or to conduct other business proper to the functioning of the committee or the representative, and that such time is treated as paid work time, including:

(i) time spent during the member's or representative's regular working hours;

(ii) time spent outside the member's or representative's regular working hours, including:

(A) attendance at meetings scheduled outside their regular shift;

(B) workplace inspections conducted outside their regular shift;

(C) incident investigations outside their regular shift;

(D) training related to committee or representative duties; and,

(E) any other committee or representative activities required outside their regular working hours.

DISCUSSION PAPER SECTION 9 – HARMONIZATION OF FIRST AID REQUIREMENTS

Are the requirements for first aid rooms in section 5-9 sufficient?

CUPE believes that the requirements related to first aid are sufficient.

What is the impact of harmonizing first aid training requirements?

CUPE fully supports the adoption of CSA Z1220-17 as the accepted standard for harmonization across Canada.

ADDITIONAL RECOMMENDATIONS

CUPE offers the following recommendations on sections of the regulations not covered in the discussion paper.

Section 2-5

In order to increase transparency and allow for better tracking of injuries in Saskatchewan, employers should be required to submit an annual report related to their health and safety performance.

Recommendation 16: Amend 2-5

> **Every employer shall, not later than March 1 in each year, submit to [the minister] a written report setting out the information below of which the employer is aware affecting any employee in the course of employment during the 12-month period ending on December 31 of the preceding year:**
>
> **(a) Number of disabling injuries**
> **(b) Number of deaths**
> **(c) Number of minor injuries**
> **(d) Number of other dangerous occurrences**
> **(e) Number of Occupational Illnesses.**

Section 3-4

The regulations do not specifically consider electronic storage of the information required to be maintained as readily available by an employer.

Recommendation 17: Add language to section 3-4

> **(c) if the information mentioned in clause (a) or in section 3-16 of the Act is provided or stored electronically:**
>
> **(i) ensure that all workers have reasonable access to electronic devices and internet connectivity during work hours to access the information;**
>
> **(ii) provide training to all workers on how to locate, access, and navigate the electronic storage system or platform;**
>
> **(iii) ensure the electronic system is accessible to workers with disabilities, in accordance with recognized accessibility standards;**

(iv) maintain the electronic information in a searchable format that allows workers to quickly locate specific provisions;

(v) ensure the electronic system remains accessible during power outages or technical failures by maintaining backup access methods;

(vi) provide the information in print format upon request by any worker at no cost to the worker;

(vii) post clear signage at the place of employment indicating where and how to access the electronic information, including any necessary login credentials or access codes;

(viii) ensure that access to health and safety information does not require workers to use personal devices or personal data plans; and

(ix) maintain records demonstrating that all workers have received training on accessing the electronic system and confirming their ability to access the required information.

(d) document and maintain records of all training provided under clause (c)(ii) for a minimum of five years.

Section 3-6

The role of the supervisor in the application of OHS is not currently reflected in this clause. Additionally, the requirements for competence in supervision are vague in this section.

Recommendation 18: Change section 3-6(1)

3-6(1) An employer or contractor shall ensure that:

(a) all work at a place of employment is adequately supervised by persons who have demonstrated competency through formal training and assessment;

(b) supervisors receive documented training and demonstrate competency in all of the following matters within the scope of the supervisor's responsibility:

(i) the Act and any regulations made pursuant to the Act that apply to the place of employment;

(ii) any occupational health and safety program at the place of employment;

(iii) hazard identification, assessment, and control measures;

(iv) the safe handling, use, storage, production and disposal of chemical and biological substances;

(v) the need for proper selection, use, maintenance, and limitations of personal protective equipment;

(vi) emergency procedures required by these regulations;

(vii) incident investigation procedures and root cause analysis;

(viii) workers' rights under the Act, including the right to refuse unsafe work;

(ix) effective communication with workers and occupational health committees;

(x) any other matters that are necessary to ensure the health and safety of workers under the supervisor's direction;

(c) supervisors complete a ministry-approved training program within 90 days of assuming supervisory duties and receive refresher training at least every three years;

(d) records of supervisor training and competency assessments are maintained and made available to occupational health committees and workers upon request;

(e) supervisors have the authority and responsibility to:

(i) stop work that poses an imminent danger to workers;

(ii) ensure workers are not disciplined or penalized for raising health and safety concerns;

(iii) investigate incidents, near-misses, and worker concerns promptly;

(iv) implement corrective actions within their authority; and

(v) report hazards and incidents to the employer and occupational health committee in accordance with section 2-2;

(f) supervisors comply with the Act and any regulations made pursuant to the Act that apply to the place of employment and take all reasonable steps to ensure that workers under their direction comply with the Act and those regulations; and

(g) the ratio of supervisors to workers is appropriate to the nature and hazards of the work being performed.

(2) A supervisor shall:

(a) ensure that workers under the supervisor's direction comply with the Act and any regulations made pursuant to the Act that apply to the place of employment;

(b) not knowingly permit or direct a worker to perform work in a manner that contravenes the Act or regulations;

(c) conduct regular workplace inspections within their area of responsibility;

(d) respond promptly to worker concerns about health and safety;

(e) maintain records of inspections, incidents, and corrective actions taken; and

(f) cooperate fully with occupational health committees and worker representatives.

Section 3-7

This clause's use of "informed" rather than "trained" creates a potentially dangerous loophole that allows employers to satisfy their obligations through minimal efforts, such as posting notices or sending emails, without any verification that workers actually understand the information provided. The clause fails to specify when, how, or in what language information must be delivered, and includes no documentation requirements to demonstrate compliance.

Recommendation 19: Change section 3-7

3-7(1) An employer shall ensure that each worker:

(a) is informed, in a language and format the worker understands, of:

(i) the provisions of the Act and any regulations made pursuant to the Act that apply to the worker's work at the place of employment;

(ii) the worker's rights under the Act, including:

(A) the right to know about workplace hazards;

(B) the right to participate in health and safety activities;

(C) the right to refuse work that the worker believes is unusually dangerous; and

(D) the right to be free from reprisal for exercising these rights;

(iii) how to report hazards, incidents, and near-misses;

(iv) the role and contact information for occupational health committee members or worker representatives;

(v) where to access copies of the Act, regulations, safety data sheets, and the employer's occupational health and safety program; and

(vi) the employer's disciplinary policies as they relate to health and safety compliance;

(b) receives this information:

(i) before commencing work;

(ii) during working hours at the worker's regular rate of pay; and

(iii) in an accessible format for workers with disabilities;

(c) acknowledges receipt of the information in writing or through documented oral confirmation; and

(d) complies with the Act and any regulations made pursuant to the Act that apply to the place of employment.

(2) An employer shall:

(a) maintain records of information provided under subsection (1), including:

(i) the date information was provided;

(ii) the method of delivery;

(iii) the topics covered; and

(iv) the worker's acknowledgment;

(b) make these records available to the worker, ministry inspectors, occupational health committees, and union representatives upon request;

(c) update workers on changes to the Act, regulations, or workplace policies within 30 days of such changes; and

(d) not discipline or penalize a worker for non-compliance with a provision of the Act or regulations that the worker was not informed of in accordance with this section.

(3) Nothing in this section diminishes the employer's obligations under section 3-8 to provide comprehensive training to workers.

Section 3-10

CUPE has serious concerns regarding section 3-10. This portion of the regulations fundamentally fails to protect workers' bodily autonomy and privacy rights by allowing employers to conduct biological monitoring without worker consent (potentially subjecting them to testing at management's discretion). The clause provides no privacy protections for sensitive biological data that could reveal pregnancy, genetic conditions, medications, or lifestyle factors. It includes no restrictions on how employers may use, retain, or share personal medical information. Additionally, workers must actively request their own detailed test results rather than receiving them automatically, while being provided only vague information about "purposes" with no requirement for advance notice, explanation of health implications, or meaningful informed consent. Most critically, the section contains no action triggers—even when monitoring reveals dangerous exposure levels, there is no obligation for employers to reduce exposures, provide medical care, or remove workers from hazardous conditions.

Recommendation 20: Amend 3-10

3-10(1) In this section:

(a) "biological monitoring" means measuring a worker's total exposure to a physical agent, a chemical substance, or a biological substance that is present in a place of employment through the assessment of biological specimens collected from the worker;

(b) "biological specimen" includes blood, urine, hair, breath, tissue samples, or any other material collected from a worker's body.

(2) An employer shall not conduct or require biological monitoring of a worker unless:

(a) the monitoring is necessary to assess exposure to a substance or agent that poses a health risk;

(b) less invasive control measures have been implemented and evaluated;

(c) the worker has provided informed written consent after receiving the information required under subsection (3); and

(d) the monitoring is conducted by, or under the supervision of, a qualified occupational health professional.

(3) Before conducting biological monitoring, an employer shall provide the worker with written information, in a language the worker understands, that includes:

(a) the specific substance or agent being monitored and why;

(b) the health effects associated with exposure to the substance or agent;

(c) the type of biological specimen to be collected and the method of collection;

(d) the frequency of monitoring;

(e) how the results will be used and who will have access to them;

(f) the worker's right to refuse biological monitoring;

(g) alternative measures available if the worker refuses monitoring;

(h) the worker's right to withdraw consent at any time;

(i) privacy protections and data security measures in place;

(j) the worker's right to have a union representative or support person present during collection; and

(k) that the worker will not be subject to discipline, termination, or discrimination based on monitoring results or refusal to participate.

(4) If a worker is the subject of biological monitoring, an employer shall ensure that:

(a) all costs associated with the monitoring, including time off work, travel, and medical assessments, are paid by the employer;

(b) specimen collection occurs during regular working hours at the worker's regular rate of pay, unless the worker agrees otherwise in writing;

(c) the worker receives their complete individual results:

(i) automatically, in detailed form, within 15 days of the employer receiving them;

(ii) with a written explanation of what the results mean for the worker's health;

(iii) with information about recommended follow-up actions; and

(iv) in a confidential manner, directly to the worker.

(d) at the worker's request, the detailed results are made available to:

(i) a physician designated by the worker;

(ii) the worker's union representative, with the worker's written consent; or

(iii) any other health care provider designated by the worker.

(e) aggregate results of the monitoring are provided to:

(i) the occupational health committee or worker representative;

(ii) the ministry, upon request; and

(iii) the workers' union, where applicable.

(f) if monitoring results indicate exposure levels exceeding acceptable limits or action levels:

(i) the worker is immediately informed in writing;

(ii) the worker is offered a medical examination by a physician at no cost to the worker;

(iii) the employer implements immediate control measures to reduce exposure;

(iv) the worker is removed from exposure without loss of pay or benefits until exposure is controlled;

(v) the occupational health committee is notified within 24 hours;

(vi) the ministry is notified within 48 hours; and

(vii) a written action plan to eliminate or control the exposure is developed within seven days.

(g) individual monitoring results are kept strictly confidential and:

(i) are not disclosed to supervisors, managers, or human resources personnel without the worker's explicit written consent;

(ii) are stored separately from personnel files;

(iii) are accessible only to the worker, authorized occupational health professionals, and persons designated by the worker;

(iv) are not used as a basis for discipline, termination, transfer, or any adverse employment action; and

(v) are protected by appropriate data security measures.

(5) An employer shall:

(a) maintain records of all biological monitoring, including:

(i) the worker's written consent;

(ii) information provided to the worker under subsection (3);

(iii) dates and types of specimens collected;

(iv) individual and aggregate results;

(v) qualifications of persons conducting the monitoring;

(vi) action taken in response to results; and

(vii) medical assessments and follow-up provided.

(b) retain these records for:

(i) the duration of the worker's employment, plus 40 years; or

(ii) such longer period as may be specified for particular substances in other regulations.

(c) provide the worker with copies of all their individual monitoring records:

(i) upon request at any time;

(ii) automatically upon termination of employment; and

(iii) at no cost to the worker.

(d) inform workers annually in writing of their right to access their biological monitoring records.

(6) A worker has the right to:

(a) refuse biological monitoring without penalty, discipline, or adverse employment consequences;

(b) withdraw consent to biological monitoring at any time;

(c) have a union representative, support person, or advocate present during specimen collection;

(d) file a complaint with the ministry if the worker believes their rights under this section have been violated.

(7) An employer shall not:

(a) discipline, terminate, demote, transfer, or otherwise discriminate against a worker based on:

(i) biological monitoring results;

(ii) refusal to participate in biological monitoring;

(iii) withdrawal of consent to biological monitoring; or

(iv) requesting access to monitoring records.

(b) use biological monitoring results for any purpose other than:

(i) assessing and controlling workplace exposures;

(ii) protecting worker health; or

(iii) complying with regulatory requirements.

(c) require a worker to sign a waiver of rights under this section as a condition of employment;

(d) disclose individual monitoring results to insurance companies, potential employers, or any third party without the worker's explicit written consent; or

(e) conduct biological monitoring that screens for:

(i) pregnancy;

(ii) genetic predispositions;

(iii) lifestyle factors unrelated to workplace exposure; or

(iv) any condition not directly related to workplace health and safety.

(8) Where biological monitoring reveals that multiple workers have been exposed to hazardous substances above acceptable limits, the employer shall:

(a) conduct a comprehensive exposure assessment of the workplace;

(b) review and revise control measures;

(c) provide the option of medical surveillance to all potentially affected workers at no cost;

(d) report findings to the ministry within seven days; and

(e) implement corrective actions within timelines specified by the ministry.

(9) The occupational health committee or worker representative shall:

(a) be consulted before any biological monitoring program is implemented;

(b) receive copies of aggregate monitoring results and trend analyses at least quarterly;

(c) have the right to request biological monitoring where exposure concerns exist;

(d) participate in the development of action plans when monitoring results indicate problematic exposures; and

(e) be informed of all corrective actions taken in response to monitoring results.

(10) Nothing in this section:

(a) requires a worker to undergo biological monitoring as a condition of employment or continued employment;

(b) prevents a worker from seeking independent medical advice regarding biological monitoring results; or

(c) limits a worker's rights under privacy legislation, human rights legislation, or collective agreements.

Section 3-12

Section 3-12 does not currently require participation of the health and safety committee or representative.

Recommendation 21: Amend 3-12

3-12 An employer, contractor or owner shall, **with the participation of the health and safety committee or where there is no committee, the health and safety representative**…

Section 3-17

The existing section 3-17 does not fully support inspections by requiring "reasonable intervals" rather than establishing minimum frequencies and creating opportunities for indefinite delays with no regulatory baseline. The existing regulation fails to guarantee that committee members receive paid time, access to all workplace areas and documents, necessary protective equipment, or training in inspection techniques—essentially expecting untrained volunteers to conduct professional assessments without compensation or resources. Corrective action requirements are also vague.

Recommendation 22: Amend 3-17

3-17(1) An employer, contractor or owner shall:

(a) ensure that members of the occupational health committee or worker health and safety representatives shall inspect each month all or part of the workplace, so that every part of the workplace is inspected at least once each year;

(b) provide committee members or representatives conducting inspections with:

(i) paid time during regular working hours at their regular rate of pay;

(ii) access to all areas of the workplace, including contractor work areas;

(iii) relevant documents, including safety data sheets, inspection records, incident reports, and monitoring results as requested;

(iv) appropriate personal protective equipment required to enter hazardous work areas;

(c) ensure that at least one employer representative accompanies inspectors during inspections, unless the committee or representative prefers otherwise;

(d) not interfere with, obstruct, or attempt to influence inspections;

(e) provide training to committee members and representatives on:

(i) inspection procedures and techniques;

(ii) hazard recognition;

(iii) relevant legislation and standards;

(iv) use of testing equipment; and

(v) report writing;

(f) maintain inspection records for a minimum of 10 years.

(2) Upon receiving an inspection report or other written notice from the committee or representative identifying an unsafe condition or contravention of the Act or regulations, the employer, contractor, or owner shall:

(a) immediately:

(i) stop any work that poses an imminent danger to workers;

(ii) remove workers from areas of imminent danger without loss of pay or benefits;

(iii) secure the area to prevent unauthorized access;

(iv) notify all affected workers and the committee or representative of interim protective measures; and

(v) notify the ministry if the hazard poses a serious risk of injury or death;

(vi) implement corrective actions to ensure the safety of impacted workers

Section 3-21

The existing section 3-21 is a good start, but it should make it clear that the committee will participate in any investigation.

Recommendation 23: Amend 3-21

3-21(1)An employer or contractor shall report to the co-chairpersons, the representative or their designates any lost-time injury at the place of employment that results in a worker receiving medical treatment **so that they (or their designate) can participate in the investigation**.

(2) The employer or contractor shall allow the co-chairpersons, the representative or their designates a reasonable opportunity to review the lost-time injury mentioned in subsection (1) **and participate in the investigation** during normal working hours and without loss of pay or other benefits.

PROPOSAL AROUND VIOLENCE AND HARASSMENT REGULATIONS

Violence and Harassment are Linked

We recognize that violence exists on a spectrum rather than as an isolated phenomenon, with harassment representing one significant position along this continuum.

While physical assault might represent the most visible and recognized form of violence, harassment—whether verbal, psychological, or digital—creates environments of intimidation, fear, and control that mirror the power dynamics present in more overtly violent encounters. Both violence and harassment function as mechanisms that assert dominance and restrict victims' freedom and agency, with harassment often serving as a precursor that normalizes boundary violations and creates conditions where escalation becomes more likely. Research consistently demonstrates that societies or environments tolerating harassment frequently experience higher rates of physical violence, as the underlying attitudes of dehumanization and entitlement that fuel harassment provide the psychological foundation for more extreme forms of violence. Understanding harassment as part of the violence spectrum rather than separate from it allows for more comprehensive prevention strategies that address the shared root causes rather than treating symptoms in isolation.

Harassment in the Workplace

CUPE members, unfortunately, have a great deal of experience with harassment in the workplace. Harassment in the workplace comes in many forms: supervisor on worker; client on worker; student on worker; worker on worker; and members of the public harassing workers in their place of work. Sometimes, due to the nature of the work, harassment may be perceived as "part of the job." Public sector workers are often employed in jobs that contain some of the hazards that can increase the likelihood in the workplace, such as working with mentally disabled clients, working alone, and shift work, but that does not mean their jobs should be inherently dangerous. It is CUPE's position that harassment against a worker, under any circumstances, is not an acceptable part of a person's working day.

Different Forms of Harassment

Harassment manifests across multiple domains, creating harmful environments through various channels of expression. Verbal harassment involves the use of language to demean, threaten, or intimidate, including name-calling, unwanted sexual comments, and discriminatory remarks that create hostile environments. Psychological harassment operates through more subtle tactics designed to undermine mental well-being, such as gaslighting, isolation, and persistent criticism that erodes self-esteem and creates emotional distress over time (this is often called bullying). Digital harassment has emerged as an increasingly prevalent form, encompassing cyberbullying, online stalking, doxxing (revealing personal information), revenge porn, and harassment through social media platforms or messaging services. What connects these varied forms is their shared impact; they all create environments of fear, intimidation, and powerlessness for victims, regardless of whether physical contact occurs. The psychological damage from non-physical harassment can be just as severe as physical violence, with research showing that victims often experience anxiety, depression, and post-traumatic stress symptoms like those who experience physical assault.

For CUPE members, all the experiences of harassment listed above have one thing in common, the workplace. As such, workplace policies, government legislation and collective agreement provisions should be in place to protect workers in all workplaces. Harassment should never be accepted as "part of the job" by either the workers themselves, by management, or anyone else.

Internal vs External Sources of Harassment

Recent legislative changes in other jurisdictions (Federal in 2021 and ongoing review in British Columbia) differentiate between violence and harassment that happens between workers and "3rd party" violence and harassment that workers experience from a person who is not employed by their organization. Our recommendations will include these different contexts and how different forms of violence and harassment must be considered within the workplace.

For each of our recommendations, we have provided language which illustrates best practices from other Canadian jurisdictions, and we have referred to other resources (such as CSA Standards) as necessary. While we have attempted to cover many areas of broad concern, this should not be considered an exhaustive list, and, as mentioned previously, we look forward to working with your government to bring about a more progressive, worker-focused health and safety system.

Note that for this submission, the general term "client" will be used, but may also refer to patients, residents, or students, with the intent to describe a service (or care) provider relationship because of the occupation of the worker.

Recommendation 24: Adopt a Strong, Broad Definition for Harassment.

CUPE recommends that the government considers a broad definition of workplace harassment.

Harassment: Harassment is defined as offensive behaviour that a reasonable person would consider unwelcome.

Additional guidance materials can note:

Harassment may be physical, psychological, or a combination of the two. It may be based on characteristics such as gender, race, ethnicity, sexual orientation, sexual identity, or another characteristic. It may also be a pattern of verbal comments. Harassment may be one incident which has a severe impact on the target, or it may be repeated incidents. The unwelcome behaviour may be direct or indirect, obvious or subtle, and can take place by written, verbal, physical, electronic, or any other means of expression.

Recommendation 25: Require the Establishment of a Designated Recipient.

Workers who experience violence and harassment are frequently already in precarious situations, as many come from equity deserving groups such as new Canadians, women, racialized and

indigenous populations. A survey and round table discussion process conducted by the Federal Government in 2016 found the following[1]:

> *Canadians responding to our online survey told us that harassment and sexual violence in workplaces are underreported, often due to fear of retaliation, and that when they are reported, they are not dealt with effectively.*
>
> *Most survey respondents expressed the view that the employer, followed by the Government and unions, should be responsible for providing support to help victims feel safe and secure in their workplace. … Stakeholders wanted clear written policies for how organizations respond to allegations of workplace violence and harassment. They told us that these policies must include explicit protection against retaliation for reporting an incident.*
>
> *Of those respondents who did not report the most recent incident, many feared reprisals if they filed a complaint.*

Part of the response to the federal review was that the federal government requires employers to establish a designated person (or workgroup) that would receive specific training in receiving complaints of violence and harassment. Known as the *Designated Recipient,*[2] they are an important contact person for workers who can offer guidance and directions on how to navigate the complaint process. In addition, the government-defined role of the Designated Recipient would include:

- Be known as the main contact for addressing violence and harassment complaints at work, while being seen as impartial and fair.
- Receive and review workplace harassment and violence complaints from workers.
- Upon receipt of a complaint, manage the complaint process by following the required procedures.
- Make every reasonable effort (when appropriate) to resolve workplace harassment and violence incidents before the matter is referred to an investigator.
- Maintain detailed records of the complaint resolution process and adhere to all documentation requirements.

As such, CUPE recommends that the government introduce requirements for employers with more than 20 workers to create Designated Recipients who will be the primary person in the organization who receives and handles complaints of harassment and violence.

Recommendation 26: Require Designated Recipient Training

Designated Recipients for violence and harassment complaints in workplaces require specialized training because they serve as critical first responders in an organization's harassment and violence response system. These individuals must navigate complex interpersonal dynamics

[1] Selected passages from Harassment and sexual violence in the workplace Public consultations What We Heard, Federal Government, https://www.canada.ca/content/dam/canada/employment-social-development/services/health-safety/reports/workplace-harassment-sexual-violence-EN.pdf

[2] The Federal 'Workplace Harassment and Violence Prevention Regulations' of the Canada Labour Code defines Designated Recipient as follows: "*Designated Recipient* means a work unit in a workplace or person that is designated by an employer."

while handling sensitive disclosures that may have legal implications and confidentiality concerns. Without proper training, these designated persons may inadvertently retraumatize victims, compromise investigations, fail to properly document incidents, or expose the organization to liability. Effective training would equip these individuals with the skills to recognize the full spectrum of workplace violence and harassment, respond appropriately to disclosures, and connect affected workers with appropriate resources while maintaining confidentiality and impartiality throughout the process. Any new legislation that adopts the concept of a Designated Recipient should also require specific training. CUPE believes that essential training components for Designated Recipients should include:

1) Comprehensive understanding of violence and harassment definitions, including verbal, psychological, and digital manifestations.
2) Trauma-informed response techniques for speaking with affected workers.
3) Documentation protocols for recording incidents while maintaining confidentiality.
4) Knowledge of relevant laws, regulations, and organizational policies.
5) Risk assessment skills to identify potential escalation situations.
6) Cultural competency training to recognize and address bias in complaint handling.
7) Referral pathways to connect affected workers with support resources.
8) Self-care strategies to manage secondary trauma exposure.
9) Communication skills for explaining processes and options to all parties involved.

Note that much of this training exists and is provided at low cost by the Canadian Centre for Occupational Health and Safety[3].

Recommendation 27: Establish Policy Requirements

CUPE firmly believes that prescribed policy requirements help guide employers in keeping workers safe. A strong harassment prevention policy is essential in the workplace because it establishes clear standards for acceptable behaviour and the consequences for violations. Such policies create safer work environments by defining prohibited conduct across the full spectrum of violence and harassment. These policies demonstrate an organization's commitment to maintaining respectful workplaces while providing practical reporting mechanisms and investigation procedures.

CUPE proposes the following legislation based on the existing language in the Canada Labour Code related regulations: *Workplace Harassment and Violence Prevention Regulations*:

X(1) An employer and the joint health and safety committee must jointly develop a workplace harassment and violence prevention policy.

X(2) The policy must contain the following elements:

(a) The employer's mission statement regarding the prevention of and protection against harassment and violence in the workplace.

(b) A description of the respective roles of the employer, Designated Recipient, workers, joint health and safety committee and health and safety representative in relation to harassment and violence in the workplace.

[3] https://www.ccohs.ca/products/courses/employers-fed-violence

(c) A description of the risk factors, internal and external to the workplace, that contribute to workplace harassment and violence.

(d) A summary of the training that will be provided regarding workplace harassment and violence.

(e) A summary of the resolution process, including:

(i) the name or identity of the Designated Recipient, and

(ii) the way a principal party or witness may provide the employer or the Designated Recipient with notice of an occurrence.

(f) The triggers for a review and update of the workplace assessment.

(g) A summary of the emergency procedures that must be implemented when an occurrence poses an immediate danger to the health and safety of a worker or when there is a threat of such an occurrence.

(h) A description of the way the employer will protect the privacy of persons who are involved in an occurrence or in the resolution process for an occurrence under these Regulations.

(i) A description of any recourse, in addition to any under the Act or these Regulations, that may be available to persons who are involved in an occurrence.

(j) A description of the support measures that are available to workers.

Recommendation 28: Require Policy to be Posted

It is CUPE's position that the policy must be made available to all workers and also posted in a conspicuous and accessible place. CUPE proposes the following language:

"The employer shall post, in a conspicuous place accessible to every worker, a copy of the workplace harassment and violence prevention policy."

Recommendation 29: Require Hazard Identification and Assessment for Factors Linked to Harassment and Violence

Joint health and safety committees are best suited to conduct workplace assessments for harassment and violence to identify potential hazards and other factors that increase the likelihood of harassment and violence in the workplace. By examining physical environments, work practices, and organizational culture, committees can recognize vulnerabilities like isolated work areas, high-stress positions, or inadequate reporting mechanisms.

Sample legislation can be drawn from existing Federal legislation under the "*Workplace Harassment and Violence Prevention Regulations"* of the Canada Labour Code):

X.1 An employer shall ensure the joint occupational health and safety committee carries out a workplace assessment that takes into account:

(a) the culture, conditions, activities, and organizational structure of the workplace;

(b) circumstances external to the workplace, such as family violence, that could give rise to harassment and violence in the workplace;

(c) any reports, records, and data that are related to harassment and violence in the workplace;

(d) the physical design of the workplace; and

(e) the measures that are in place to protect psychological health and safety in the workplace.

Recommendation 30: Establish Requirement to Implement Controls for Concerns Found in the Assessment

The new regulations should require employers to take action to correct hazards and other factors that are likely to increase the risk of harassment and violence in the workplace. The joint health and safety committee is well-suited to assist with this obligation, as they can provide concrete data to develop targeted prevention strategies tailored to the specific workplace.

Again, CUPE propose legislation based on the Federal *Workplace Harassment and Violence Prevention Regulations* of the Canada Labour Code:

X.1 Within six months after a risk factor is identified under section X.1, an employer and the joint occupational health and safety committee must jointly:

(a) develop preventive measures that, to the extent feasible,

(i) mitigate the risk of harassment and violence in the workplace, and

(ii) neither create nor increase the risk of harassment and violence in the workplace.

(b) develop an implementation plan for the preventive measures; and

(c) implement the preventive measures in accordance with the implementation plan.

Recommendation 31: Include Specific Requirements for Harassment and Violence Training Before New Workers Begin Work

New workers will be exposed to the same hazards related to violence or harassment as others. Employers should be required to provide orientation training on violence and harassment hazards before they start their new job. Occupational health and safety legislation does not allow a worker to operate a piece of machinery without being trained due to the risk of injury, and the same principles should apply to violence and harassment.

Additionally, workers who have not received the training may themselves become hazards to other workers by acting in a manner that is contrary to the law or to the employer's policies. Providing the training before a new worker starts work would ensure that all workers are aware of the behaviour and actions that are acceptable and safe in the workplace.

CUPE proposes the following language:

X.1 Employers shall provide comprehensive harassment and violence prevention training to all new workers before they commence their duties. No worker shall begin work without documented completion of this mandatory training.

X.2 The training shall, at a minimum, include:

a) Definitions of workplace harassment and violence in all forms.

b) Relevant legislative requirements and workplace policies.

c) Potential workplace hazards and other factors related to violence and harassment, and the controls that are in place to reduce the likelihood.

d) Proper reporting procedures and available support resources.

e) Rights and responsibilities of all workplace parties.

Worker/Worker vs. Worker/Outsider Harassment for Investigations

Unlike other occupational health and safety investigations (which aim to identify potential causal and contributing factors and should be non-punitive), investigations into harassment and violence also frequently involve making a determination with respect to a policy violation (which are frequently punitive). This makes an investigation into violence and harassment very different, especially in circumstances where one worker has accused another of wrongdoing.

Joint health and safety committees should not be in receipt of internal violence or harassment complaints where an employer must determine the guilt or innocence of a worker. This investigation should be completed outside of the committee preview. In addition to determining policy violations, the core principles of health and safety investigations should also be mandated, where investigators are required to consider the underlying and contributing factors, and recommendations are developed. Regardless of the investigation outcome, causal and contributing factors/findings should be relayed to the health and safety committees for further consideration. The committee should be required to consider the contributing and causal factors that allowed the occurrence in the first place

However, reports related to harassment and violence involving outside parties (third-party violence) should be within the purview of the joint health and safety committee so they can review these occurrences against the existing violence and harassment assessment.

This leads to two separate paths for an employer to deal with a complaint of harassment or violence.

Recommendation 32: Recognize the Difference in Worker/Worker vs. Worker/Outsider Harassment for Investigations

Internal Harassment or Violence

When an investigation is necessary, the employer needs to ensure a qualified investigator is appointed to carry out an impartial and fair investigation to determine (to the best of their ability) what took place. The investigator should also identify causal and contributing organizational factors that allowed harassment or violence to occur in the workplace. A de-identified summary

of the report should be provided to the relevant health and safety committee or health and safety representative for further consideration. New regulatory requirements should include the following:

Worker/Worker Investigation

X.1 If an occurrence is not resolved under another section, an investigation of the occurrence must be carried out if either party requests it.

X.2 An employer or the Designated Recipient must provide the principal party and the responding party with notice that an investigation is to be carried out.

Investigator's Report

X.1 An investigator's report regarding an occurrence must set out the following information:

(a) a general description of the occurrence;

(b) their conclusions, including those related to the circumstances in the workplace that contributed to the occurrence; and

(c) their recommendations to eliminate or minimize the risk of a similar occurrence.

X.2 An investigator's report must not reveal, directly or indirectly, the identity of persons who are involved in an occurrence or the resolution process for an occurrence under these Regulations.

X.3 An employer must provide a de-identified copy of the investigator's report to the complainant, responding party, the workplace committee, or health and safety representative, so that they may consider recommendations and changes to the workplace to prevent similar occurrences.

External Harassment or Violence

When the accused party is external to the employer's organization, the employer shall ensure that the health and safety committee investigates.

Recommendation 33: Investigators Qualifications

Investigating violence and harassment (especially if it is with respect to an internal complaint) can be delicate and require specific training and experience in order to avoid causing further harm to those who have experienced violence or harassment. New regulations should specify the qualifications for people tasked with completing investigations.

A person selected to investigate violence or harassment complaints must:

(a) be trained in investigative techniques;

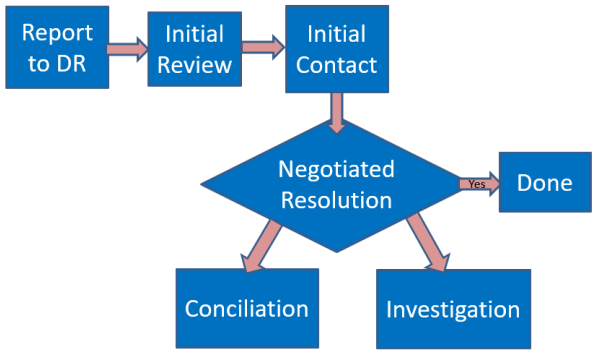
(b) have knowledge, training, and experience that are relevant to harassment and violence in the workplace; and

(c) be familiar with the OHS Act, related Regulations, the Rights Act, the Criminal Code of Canada, and any other relevant legislation.

Recommendation 34: Conflict of Interest and Impartiality of Investigator

The new regulations must make it clear that an investigator will be excluded from investigation when there is an identifiable conflict of interest, or to ensure impartiality toward the investigation. The friend, colleague, direct professional, or manager in the organization hierarchy line to the principal or respondent is not an appropriate investigator.
The proposed investigator must be required to disclose any relevant relationships with any of the parties associated with the complaint so that informed decisions regarding the investigator's potential impartiality can be made.

Recommendation 35: Procedures for Alternative Dispute Resolution for Internal Complaints



Frequently, reports of worker-on-worker harassment are accurately determined to relate to interpersonal or group conflict. Often this leads to a finding of "no harassment," however, the conflict remains, and workers are left at risk for escalation. The most recent Federal "Work Place Harassment and Violence Prevention Regulations" require an additional step for worker/worker violence and harassment complaints, known as the "negotiated resolution process," where the parties have the opportunity to resolve conflict when appropriate (see figure).

As such, any new regulations should require the employer to develop an alternative dispute resolution process for reports of worker/worker violence and harassment.

Recommendation 36: Employer "Ought to Have Known"

In many cases, it is quite reasonable for the employer to be aware of a situation of violence or harassment without being actively notified of the situation. Any new regulations should include language that acknowledges the employer's obligations apply in the absence of a formal report or complaint when it can be reasonably determined that the employer "ought to have known" of the situation. This language should also trigger the employer's obligation to initiate the resolution process as if a direct report or complaint was made. The employer should not be able to escape their duty to act on potential incidents of violence or harassment by relying entirely on formal notification. Workers may not report or disclose for any number of valid reasons, particularly in cases of human rights harassment.

Recommendation 37: Allowing for Anonymous Third-Party Notifications

While CUPE strives for an open workplace where reports of incidents of harassment and violence are brought forward by those involved without fear of reprisal, we believe there needs to be

significantly more direction about how an anonymous complaint can be received. CUPE has serious concerns on how anonymous reports may be handled by employers, or situations where domestic abusers may maliciously and anonymously file false claims to have their partner removed from the workplace so they may continue to exert control over their lives.

Any new regulations should provide clarity on the requirements and expectations of employers who have received an anonymous complaint.

Recommendation 38: Forthwith Investigation

Employers have a duty to inquire into workplace complaints as soon as they become aware. A failure to undertake an appropriate and timely investigation can have significant consequences for the parties involved in the complaint.

Once it is clear from either party that conciliation is not feasible, or the occurrence was the result of an external party, the employer should quickly move to the investigation.
CUPE proposes the following language:

> **When the parties notify the employer that they do not wish to undertake the conciliation or reconciliation process (proposed previously), or that they no longer wish to continue conciliation, the employer or the designated recipient must provide the parties with notice within five days that an investigation is to be carried out.**

Recommendation 39: Duty to Disclose and Protect Workers When Known Clients, Students, or Patients have a History of Violence or Harassment

Employers have a duty to inform workers of hazards in the workplace. Workers have a right to know of existing or potential hazards in the workplace, as set out in the current Act and Regulations. Adopting regulations and measures to prevent or mitigate future risks of violence or harassment is critical.

CUPE proposes the government consider new regulations based on the following text:

> **X.1 When an employer is aware of information related to a previous history of harassment and violence from a client, student, or patient under subsection [XX?], or they become aware of new incidents, they shall:**
>
> **(a) incorporate the information into hazard assessments;**
>
> **(b) develop appropriate controls to protect workers from the identified hazards;**
>
> **(c) inform those that may interact with that client, student, or patient of the history and controls that are in place to reduce the likelihood of harassment and violence;**
>
> **(d) use the information only for the purpose of protecting worker health and safety; and,**
>
> **(e) limit access to the information to those who require it to ensure worker safety.**

X.2 Where an employer transfers care, service, or responsibility for a client, student, or patient to another employer or worksite, the transferring employer must inform the receiving employer or worksite of the violence or harassment history. If the transferring employer has knowledge of a history of violence or harassment associated with that client, student, or patient, the transferring employer shall:

(a) disclose sufficient information about the client, student, or patient's history of violence or harassment to the receiving employer to enable the receiving employer to:

(i) conduct an appropriate hazard assessment; and,

(ii) implement reasonable controls to protect workers from the potential hazard of workplace violence or harassment.

(b) make the disclosure in writing prior to the transfer where practicable, or as soon as reasonably practicable after an emergency transfer;

(c) limit the disclosure to information that is necessary to protect the health and safety of workers at the receiving employer; and,

(d) maintain records of such disclosures for a period of not less than three years.

X.3 For the purposes of this section, "history of violence or harassment" means any documented incident where a client, student, or patient has:

(a) engaged in physical assault or attempted assault;

(b) made threats of violence;

(c) engaged in sexually inappropriate behaviour; or,

(d) demonstrated a pattern of abusive, threatening, or intimidating behaviour toward any worker or other client while under the care or service provision of the originating employer or worksite.

X.4 The disclosure obligations in this section shall supersede any confidentiality provisions, except where prohibited by law.

Recommendation 40: Incidents of Sexual Assault Should, By Definition, Be Deemed Incidents of Workplace Violence Under the Regulations

A recent legal decision in Ontario[4] reveals deep gaps in existing laws intended to protect workers against all forms of workplace violence and harassment, including sexual assault. The same gaps in policies, regulations, legislation, and procedures exist in Saskatchewan.

The ruling noted at paragraph 58:

> *The crux of the dispute in the present matter is whether the application of physical force exerted by the Physician could have caused physical injury to the Hospital Worker. There is no dispute that the Hospital Worker did not in fact suffer a physical*

[4] 2025 CanLII 14562 (ON LRB) | Ontario Nurses' Association v A Director under the Occupational Health and Safety Act | CanLII

> *injury because of the Incident. And while the Incident surely caused the Hospital Worker psychological and emotional harm and was an affront to her human dignity, the definition of 'workplace violence' is only concerned with physical injuries, and it is not for the Board to sit in judgment or question the wisdom of the legislature's decision to exclude psychological and emotional trauma from its ambit.*

The Ontario Labour Relations Board (OLRB) dismissed the Hospital and the Ministry of Labour, Immigration, Training and Skills Development position that the specific incident at issue was properly characterized as an incident of workplace harassment, but also found that, due to the language of the relevant legislation, the Board lacked the jurisdiction and was therefore unable to find that *all* incidents of sexual assault constitute "workplace violence". The OLRB decision concluded that the sexual assault on a worker that it was faced with was in fact an incident of workplace violence, not just one of workplace harassment. This distinction is important.

Employers have a greater legal obligation to address and prevent workplace violence, compared to workplace harassment. While workplace violence programs and assessments require elements aimed at prevention, workplace harassment programs are mostly limited to reporting and investigating after the fact.

Although CUPE takes the position that employers should be required to take concrete actions to prevent all instances of *both* violence and harassment, we specifically maintain that *all* instances of sexual assault must be recognized as incidents of workplace violence, regardless of whether the incident did, or could have, resulted in a physical injury, and this should be reflected in the regulations

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