

Violence and Harassment Legislation Updates

Here are the key changes set to take effect March 31/2025

Code	Old	New
389	Violence and harassment are considered hazards for the purposes of Part 2.	Repealed (See changes to 390(1))
390(1)	An employer must develop and implement a violence prevention plan that includes a violence prevention policy and violence prevention procedures.	<p>An employer must develop and implement a violence and harassment prevention plan that includes the following:</p> <ul style="list-style-type: none"> (a) measures to eliminate or, if that is not reasonably practicable, control the hazards of violence and harassment to workers; (b) any applicable requirements referred to in section 392.2; (c) procedures to inform workers of the nature and extent of the hazard of violence and harassment, including information related to specific or general threats of violence or harassment that exist or may exist; (d) procedures to report violence or harassment; (e) procedures to investigate complaints and incidents of violence or harassment; (f) provisions to protect the confidentiality of all parties involved in a complaint or incident, except where disclosure is <ul style="list-style-type: none"> (i) necessary to <ul style="list-style-type: none"> (A) investigate the complaint or incident, (B) take corrective action, or (C) inform the parties involved in the complaint or incident of the results of the investigation and of any corrective action to be taken to address the complaint or incident, (ii) necessary to inform workers of a specific or general threat of violence or potential violence, or (iii) required by law.
Update:	<p>Under the updated legislation, Violence and Harassment are now joined under 390(1). There is also a breakdown of what is now required for a Violence and Harassment plan, which before was laid out in further points in legislation. All statements have been removed, including the statement that the harassment prevention policy is not intended to discourage a worker....</p> <p>389 was repealed but is now referenced in 390(1) (a), hazard assessment is still needed and needs to be referenced in the plan.</p>	

Violence and Harassment Legislation Updates

390(2)	The employer must develop and implement the violence prevention plan in consultation with (a) the joint health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or (b) affected workers, if the employer is not required to establish a committee or designate a representative.	When developing and implementing a violence and harassment prevention plan, an employer must consult with (a) the joint health and safety committee, if there is one, (b) the health and safety representative, if there is one, or (c) affected workers, as far as reasonably practicable to do so, if there is no joint health and safety committee or health and safety representative.
Update:	Again, the joining of Violence and Harassment. Extra point clarifying HSC and HSR or Workers if there is no HSC or HSR.	

390.7(1)	An employer must review the violence prevention plan and the harassment prevention plan, and revise the plans if necessary.	An employer must review the violence and harassment prevention plan required by section 390(1) in any of the following circumstances: (a) when an incident of violence or harassment indicates a review is required; (b) where there is a change to the work or work site that could affect the potential for violence or harassment to occur; (c) if the joint health and safety committee or the health and safety representative requests a review; (d) at least every 3 years
Update:	Breakdown is now included in this point of when the plan must be reviewed.	

390.7(2)	The employer must carry out the review required by subsection (1) in consultation with (a) the joint health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or (b) affected workers, if the employer is not required to establish a committee or designate a representative.	When carrying out the review required by subsection (1), the employer must consult with (a) the joint health and safety committee, if there is one, (b) the health and safety representative, if there is one, or (c) affected workers, as far as reasonably practicable to do so, if there is no joint health and safety committee or health and safety representative.
Update:	Clarifying the roles – defining that the “Employer must consult with” and the breakdown between HSC, HSR, and Workers.	

Violence and Harassment Legislation Updates

390.7(3)	With respect to the violence prevention plan, the review required by subsection (1) must take place on the earliest of the following: (a) when an incident of violence occurs; (b) if the joint health and safety committee or the health and safety representative, if applicable, recommends a review of the plan; (c) every 3 years.	The employer must revise the violence and harassment prevention plan as necessary following a review required under subsection (1).
Update:	Breakdown of the points of when the plan needs to reviewed is now under subsection (1).	

391	An employer must ensure that workers are trained in (a) the recognition of violence and harassment, (b) the policies, procedures and workplace arrangements that the employer has developed and implemented to eliminate or control the hazards of violence and harassment, (c) the appropriate response to violence and harassment, including procedures for obtaining assistance, and (d) the procedures for reporting, investigating and documenting incidents of violence and harassment.	An employer must ensure that workers are trained in (a) the recognition of violence and harassment, (b) the violence and harassment prevention plan the employer has developed and implemented under section 390(1), including when revisions are made to the plan, (c) the appropriate response to violence and harassment, including procedures for obtaining assistance, and (d) the procedures for reporting, investigating, documenting, complaints and incidents of violence and harassment.
Update:	Point (b) now refers to the plan and not to policies, procedures, and arrangements.	

391.1	Sections 33(6)(b) to (d), (7) and (8) and 36 of the Act apply to incidents of violence or harassment.	Sections 33(6)(a) to (c), (7) and (8) and 36 of the Act apply to incidents of violence or harassment.
Update:	Points have been changed in the ACT. It is no longer (b) to (d), it is now (a) to (c).	

392	When a worker is treated or referred by a physician under section 391.2 and if the treatment sessions occur during regular work hours, the employer at the work site where the incident occurred shall not make a deduction from the worker's pay or benefits for the time during which a worker attends the session.	When a worker is treated or referred by a physician under section 391.2 and if the treatment sessions occur during regular work hours, the worker is deemed to be at work during that treatment.
Update:	Clarification of wording. The last part of 392 was made more concise.	