

RIGHTS AND RESPONSIBILITIES OF EMPLOYEES & EMPLOYERS

Employees and employers have certain rights and responsibilities in the workplace.

In unionized workplaces, the union has certain responsibilities toward employees and employers. In these workplaces, the union is responsible for representing employees at grievances, arbitrations and in contract negotiations with the employer. The contract between a unionized employee and an employer is referred to as a collective agreement. The collective agreement details the mutually agreed-to rights and responsibilities of employees and employers in a unionized workplace. Employees can contact their union representative to learn about workplace policies that address domestic/intimate partner violence (DIPV). If necessary, the union representative can contact the employer on behalf of the employee to gather information on DIPV policies.

The following summarizes the rights and responsibilities that employees, employers and unions should bear in mind when considering the impacts of DIPV on the workplace.

Rights and Responsibilities of Employees

When employees understand their rights and responsibilities, they are better prepared to respond when DIPV enters the workplace. It is important that employers' and employees' rights to privacy and confidentiality be carefully considered when making decisions around disclosure and support. Circumstances will vary and not every incident of violence will warrant the same response or level of disclosure. Every effort should be made to achieve a reasonable balance between respecting an individual's privacy and ensuring safety in the workplace.

Employees who are subjected to domestic, intimate partner or sexual violence may access leave under the [Employment Standards Act](#). This leave provides employees who have been subjected to DIPV or sexual violence with time away from work to access supports and to take measures to ensure their safety. For more information, please see: [Domestic/Intimate Partner Violence and the Law](#)

What are employees' rights when domestic or intimate partner violence affects the workplace?

- All employers in New Brunswick are required to provide their employees with a safe working environment that protects employees from the effects of violence (this includes DIPV)
- Employers in New Brunswick are required to conduct a risk assessment for violence and if required, to implement a Code of Practice that addresses the issues identified. Additionally, some industries and types of work considered at high risk of violence are required to implement the Code of Practice.
- Employees have a right to receive the training needed to safely do their jobs, which includes information and training on their workplace's Code of Practice.
- Employees have a right to know what the procedure is for an emergency in the workplace; this includes an emergency that arises if they or a co-worker are subjected to DIPV.
- Employees have a right to participate in developing solutions that can reduce the risk of DIPV extending into their workplace, e.g. providing feedback or suggestions to the Joint Health and Safety Committee.
- Employees' privacy must be protected unless it becomes apparent that their situation warrants the disclosure of information with government or non-governmental agencies (e.g. when there is a serious and imminent risk of danger).
- Employers and coworkers should be cautious in discerning what can and should be shared with others
- Disclosure of DIPV extending into the workplace is important to ensure the safety of all employees and in certain instances may also be required by law.
- Please refer to [Confidentiality and Privacy](#) for further information.

WorkSafeNB defines a Code of Practice as a "written statement by the employer that sets out in detail a procedure to ensure the health and safety of an employee in certain specified circumstances."



What are employees' responsibilities?

- Employees must comply with the [Occupational Health and Safety Act](#) and regulations.
- Employees must not engage in any conduct that puts others at risk of harm.
- Employees should report any workplace hazards to the employer – this includes DIPV.
 - Notifying the employer of the risk of violence gives the employer an opportunity to enact measures to reduce the risk of violence to everyone in the workplace.
- Employees should cooperate with their workplace's Joint Health and Safety Committee or health and safety representative, if applicable.
- Employees must cooperate with WorkSafeNB and its health and safety officers.
- Employees must follow safe work procedures.
- Employees should be aware of warning signs and behaviours of DIPV that may require intervention.
- Employees should contact emergency services, seek medical assistance or administer first aid as required.
- Employees have a responsibility to inform themselves of the proper procedures for addressing DIPV in the workplace.
- Employees have a right to refuse work that they believe is dangerous to their (or others') health. However, employees should first give employers the opportunity to put protective measures in place by bringing concerns to their attention. If the employer does not take appropriate action, an employee could proceed to a work refusal.
 - WorkSafeNB's process for refusing dangerous work may be [found here](#).

Rights and Responsibilities of Employers

An employer in New Brunswick is a person who:

- employs one or more employees
- is in a position of authority over others (e.g. a manager, supervisor, superintendent, etc.),
- (or) has the authority to act on behalf of any of the above-mentioned individuals

What are an employer's responsibilities?

- An employer must comply with the [Occupational Health and Safety Act](#) and [regulations](#).
- An employer must take every reasonable precaution to provide a healthy and safe work environment that is free of violence
 - Violence includes the actual or attempted use of physical force or any statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against them.
Violence also includes sexual violence, intimate partner violence and domestic violence.
- An employer should be aware of the warning signs that an employee is experiencing domestic/intimate partner violence (DIPV).
- An employer must provide employees with training on the risks of DIPV in the workplace.
- An employer must complete a risk assessment to identify areas of risk in the workplace.
- If the risk assessment identifies a risk of violence, or the employer is included in the designated high-risk industries or types of work, an employer must ensure that a [Code of Practice](#) to address Workplace Violence is developed and implemented for each workplace under its authority.
- An employer must provide training on its Code of Practice to all employees.
- An employer must respond to violent incidents in the workplace.
- An employer must document and report incidents of violence as well as any injuries.
- An employer must provide employees with procedures for emergencies that could arise from the extension of DIPV into the workplace.

Refer to [Supportive Workplace Policies, Practices and Programs](#) for more information.

What if an employer does not understand its obligations?

Each workplace and every set of circumstances is unique and complex in its own way. If an employer is unsure of their legal obligations to employees, they should seek legal advice.