



Canada Energy  
Regulator

Régie de l'énergie  
du Canada

Office of the Chief  
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To: All Accountable Officers of Canada Energy Regulator (CER) Regulated Companies

### **All Company Letter regarding conduct in the field and associated enforcement actions**

I am writing to draw your attention to the legal obligations regarding conduct in federally regulated work places, notably work place harassment and violence prevention, and the CER's integration of these issues into our compliance and enforcement approach. It has come to my attention that CER Inspection Officers, CER Indigenous Monitors, and members of the Indigenous Advisory and Monitoring Committees, have experienced discrimination and harassment while conducting work on CER-regulated infrastructure. Such behaviour is not acceptable. Everyone deserves to be treated with dignity and respect. Harassment and violence will not be tolerated.

On 1 January 2021, the Government of Canada's new [Work Place Harassment and Violence Prevention Regulations](#) (Regulations) made under [Part II of the Canada Labour Code](#) (CLC), came into effect.<sup>1,2</sup> The Regulations apply to all employers and work places covered under Part II of the CLC, including the federal public service and the federally regulated private sector. The Regulations apply at any location where a federal employee works, including for CER staff while working onsite CER-regulated infrastructure.

The Regulations provide clarity for both employers and employees on their rights and duties for reporting and responding to occurrences of harassment and violence in the work place. All federally regulated work places are required to be diligently working towards updating their policies and procedures to protect employees and prevent occurrences of work place harassment and violence, including sexual harassment and sexual violence. The Regulations require employers to have effective preventive measures in place, including training all employees, supervisors and management on their respective roles and responsibilities.

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<sup>1</sup> The Regulations ([SOR/2020-130](#)), replaced the Canada Occupational Health and Safety Part XX Violence Prevention in the Work Place regulations also made under Part II of the CLC ([SOR/86-304](#)), (<http://gazette.gc.ca/rp-pr/p2/2020/2020-06-24/html/sor-dors130-eng.html>)

<sup>2</sup> [Interpretations, Policies and Guidelines for the Work Place Harassment and Violence Prevention \(HVP\) - 943-1-IPG-104](#)

All individuals, regardless of their sex, race, national or ethnic origin, gender identity, sexual orientation, disabilities, or other identity characteristics, have the right to safe, healthy and respectful work places where their human rights are respected. The CER must also meet these legal requirements, which are reiterated in the new Regulations. Accordingly, we have revised our *Work Place Harassment and Violence Prevention Policy*, which applies to all of the CER's work places, including our Calgary headquarters, regional offices, and any areas in which a CER inspection or public engagement event is being undertaken. Internal implementation efforts will include, for example, training of CER staff and management, and the development of improved systems in support of the Policy.

As the CER's Chief Executive Officer, I am ultimately responsible for ensuring that laws and policies to prevent harassment and violence are followed, both by CER employees and by the companies we regulate. We hold ourselves accountable for creating a safe work place for our staff and expect the same from our regulated industry. Behaviours and actions that will not be tolerated by the CER include, but are not limited to:

- offensive jokes or remarks;
- bullying;
- derogatory comments about gender, race, religion, cultures or traditions, or other identity characteristics;
- disparaging comments intended to damage personal or professional reputation;
- displaying sexually explicit materials such as stickers, posters or clothing;
- abusive or aggressive conduct; and
- threatening gestures and unwelcome physical contact, including physical or sexual aggression or assault in any form.

The CER, as an organization that carries certain responsibilities for ensuring the safety and security of the Canadian public, also has the responsibility<sup>3</sup> to ensure that all CER-regulated companies are taking the legally required steps to prevent harassment and violence in their work places, including ensuring that the requirements of the Regulations are met and implemented through appropriate policies.

As such, I have instructed all CER staff who contribute to the CER's oversight of our regulated companies to consider and verify compliance to the Regulations in their day-to-day work. This includes Inspection Officers, many of whom are also CLC Delegated Labour Program Officers. Where relevant and enforceable via the CER's regulatory framework, CER staff will also continue to verify compliance with company documents and policies relating to harassment, discrimination and violence prevention.

Any non-compliances to the Regulations and related policies identified will be dealt with in accordance with the [CER's Enforcement Policy](#), which can be found on our Safety and Environment, [Enforcing the Rules](#) webpage, or under Part II of the CLC, in accordance with the [Compliance Policy of the Ministry of Labour](#), found on the Employment and Social Development Canada webpage.

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<sup>3</sup> Responsibility is delegated to the CER by way of the [Memorandum of Understanding between Employment and Social Development Canada and National Energy Board respecting the Application and Enforcement of the Canada Labour Code, Part II](#)

Work place harassment and violence prevention is an established and ongoing priority of the Government of Canada, and is strengthened by the new Regulations. All CER-regulated companies and their contractors should both expect to see and support the CER's efforts to strive to protect people from harassment and violence. I look forward to continuing to work together to ensure that we all have work places free from harassment and violence for all Canadians.

Thank you in advance for sharing this message widely with your peers, employees and contractors.

Best regards,

*Signed by*

Gitane De Silva  
Chief Executive Officer