HARASSMENT AND VIOLENCE RESOLUTION PROCESS

SPEAK UP!

HARASSMENT AND VIOLENCE CENTRE OF EXPERTISE

This information sheet gives an overview and a general description of ESDC's Workplace Harassment and Violence Resolution Process under the Canada Labour Code Part II, Work Place Harassment and Violence Prevention Regulations.

This process is one of the options available to address behaviors related to harassment and violence at work. To learn more about other options, contact the <u>Harassment and Violence Centre of Expertise (HVCE)</u> for a confidential consultation. Note that if the responding party is not an employee or the employer (i.e. if it is a visitor or client) this process will not proceed. Instead, a workplace assessment under the Workplace Harassment and Violence Prevention Regulations will be undertaken.

The Harassment and Violence Resolution Process is focused on **prevention**. The outcome will be recommendations on preventive/corrective measures to eliminate or mitigate the risk of a similar occurrence in the future. There is no personal remedy available through this process and it will not be used as a basis for disciplinary action. All parties must make every reasonable effort to resolve the occurrence.

For more information, refer to ESDC's Workplace Harassment and Violence Prevention Policy.

Experiencing or Witnessing Situation(s) of Workplace Harassment and Violence	Resolution Process
If you think you have experienced or witnessed a situation of harassment and violence, you must report it.	Harassment and violence occurrence(s)
Tell your supervisor or contact the <u>Harassment and Violence Centre of Expertise (HVCE)</u> to explore options for resolving your situation.	
If you are a witness , you can report anonymously , but for the resolution process to proceed, the name of the person experiencing harassment or violence must be identified (or identifiable).	

If you choose to provide formal notice, you will be asked to complete a Notice of Occurrence form with:

- the name of the principal party (the individual who is the object of the harassment and violence incident)
- the name of the responding party (the individual allegedly responsible for the incident of harassment and violence) if it is known
- the date(s) of the occurrence(s)
- a detailed description of the occurrence(s)

The **designated recipient** is the individual or work unit with the delegated authority to receive a notice of occurrence of harassment and violence. In ESDC, this role is fulfilled by the Harassment and Violence Centre of Expertise (HVCE) and the Director General of the Workplace Management Directorate, Human Resources Services Branch.

The designated recipient (HVCE) will contact you within seven (7) days after receiving your notice to let you know:

- that your notice has been received or that you were named as a principal party in a notice provided by a witness
- where to find ESDC's Workplace Harassment and Violence Prevention Policy
- what each step of the resolution process is
- that you may be supported by a representative of your choosing during the resolution process

Negotiated Resolution

After receiving the notice of occurrence, the designated recipient (an HVCE advisor) will meet with the principal party to discuss the occurrence, clarify the information provided, and work with the person to attempt to reach a resolution.

It is important to note that the principal party and the designated recipient (and the responding party if they have been contacted at this point) must make every reasonable effort to resolve the occurrence during this phase.

Notice of Occurrence

NOTICE OF DCCURRENCE

Negotiated Resolution

Together, they will review the situation to determine:

- if the occurrence meets the definition of harassment and violence
- what is being sought as a resolution
- whether the principal party agrees to having the responding party contacted at this point in the resolution process, to try and find a resolution
- the possible options to resolve the incident

Negotiated resolution will begin **no later than forty-five (45) days** after the notice is received.

If negotiated resolution is successful, the process ends here. If the principal party feels the issue has not been resolved and wishes to continue with the resolution process, the principal party may choose to move to conciliation and/or investigation. Note that to proceed to conciliation and/or investigation, the name of the principal party and the notice of occurrence will be shared with the responding party.

Conciliation

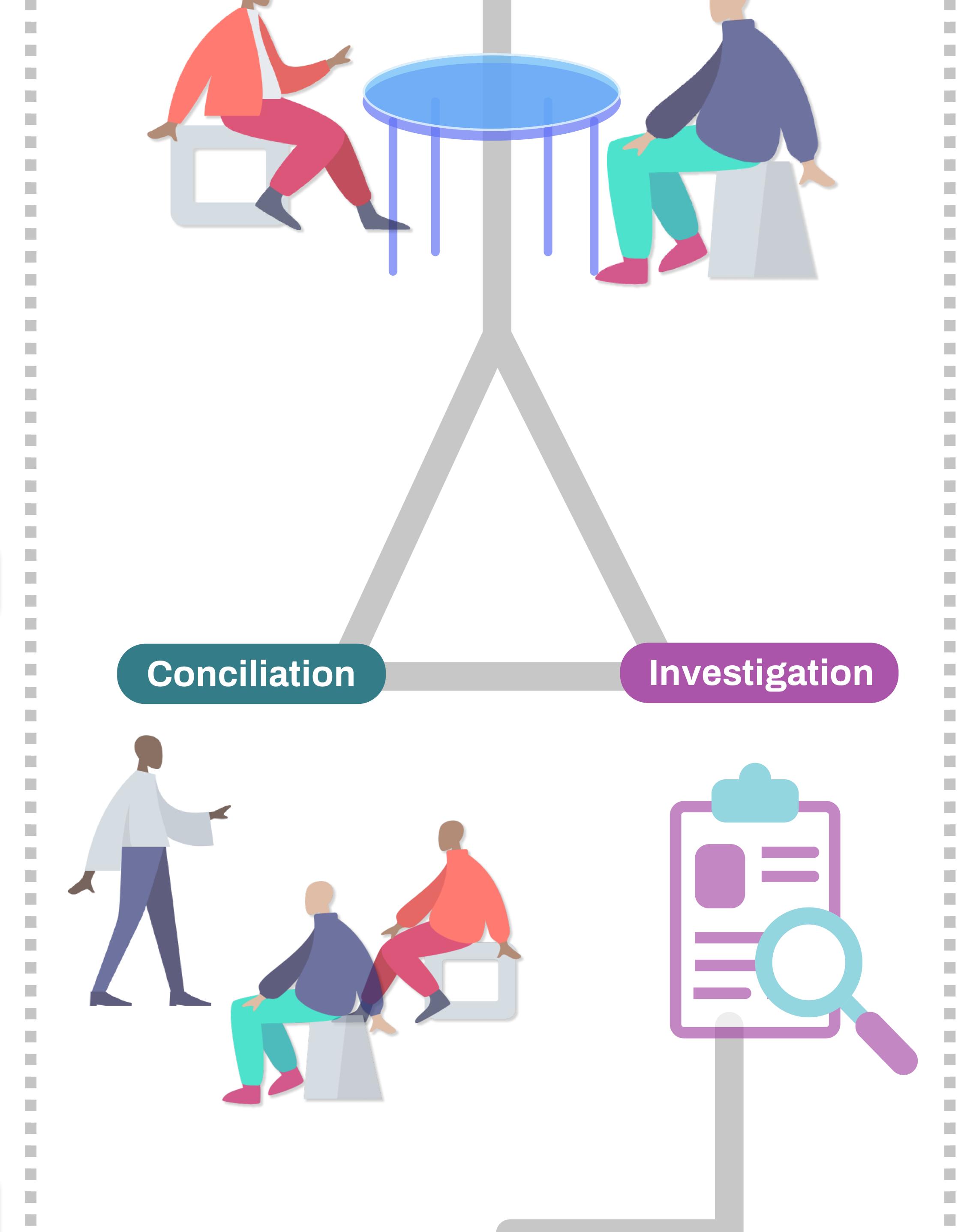
Conciliation is an option, within the resolution process, that allows the principal party and the responding party to work together with a facilitator to resolve the incident.

In order for conciliation to occur, each party must agree to engage in this option and on who will facilitate the process.

The facilitator can be from ESDC's Informal Conflict Management Office, a manager, colleague, elder, etc. The designated recipient will coordinate the selection of the person to act as the facilitator and arrange a meeting for all parties.

As long as both parties mutually agree to engage, conciliation can occur at any time during the resolution process, up until the point where an investigator has provided their final report.

If the conciliation is successful, the resolution process ends. If conciliation is inconclusive or can not take place and the principal party wishes to proceed with the resolution process, the incident will be investigated.



Investigation

This step occurs when all reasonable efforts to resolve the incident have been made and the principal party requests it.

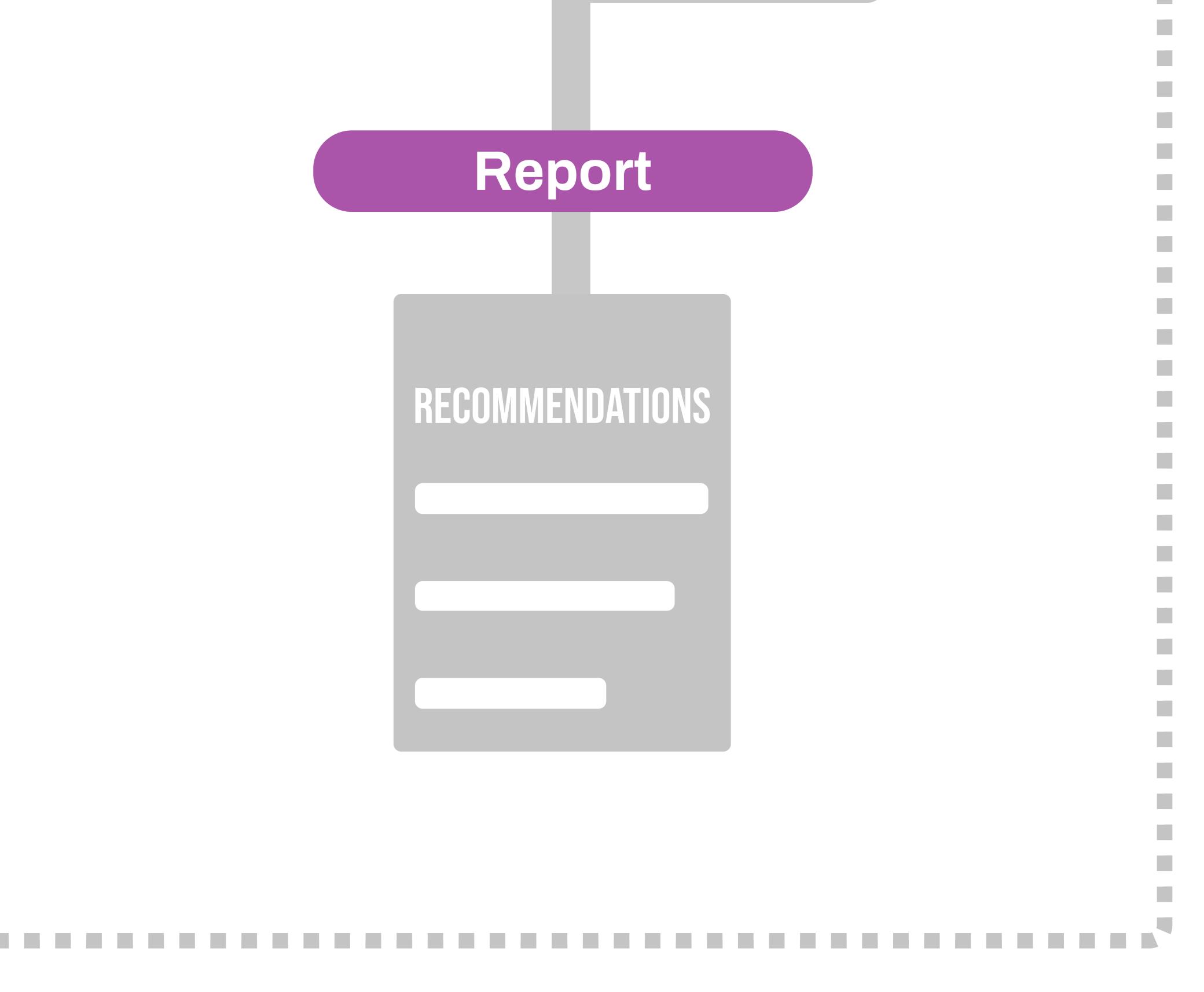
If the occurrence goes to investigation, the designated recipient will inform the principal and responding parties that an investigation is to be carried out and will provide the name of the assigned investigator.

Once the investigation is concluded, the investigator will provide a **report outlining**:

- a general description of the occurrence
- their conclusions (including those related to the circumstances in the workplace that contributed to the occurence)
- recommendations on methods to prevent or minimize the risk of a similar occurrence from happening in the future

The report will not reveal the identity of the persons who were involved in the occurrence or in the resolution process.

Both parties (as well as the designated recipient, the employer, and the workplace health and safety committee or the health and safety representative) will receive a copy of this report. The implementation of recommendations in the investigation report must be done within one (1) year of receiving the Notice of Occurrence.



Contact us



Urgent requests, consultations, and any questions: NA-HarassmentViolence-ViolenceHarcelement-GD@hrsdc-rhdcc.gc.ca



If you are a manager: Human Resources Service Centre