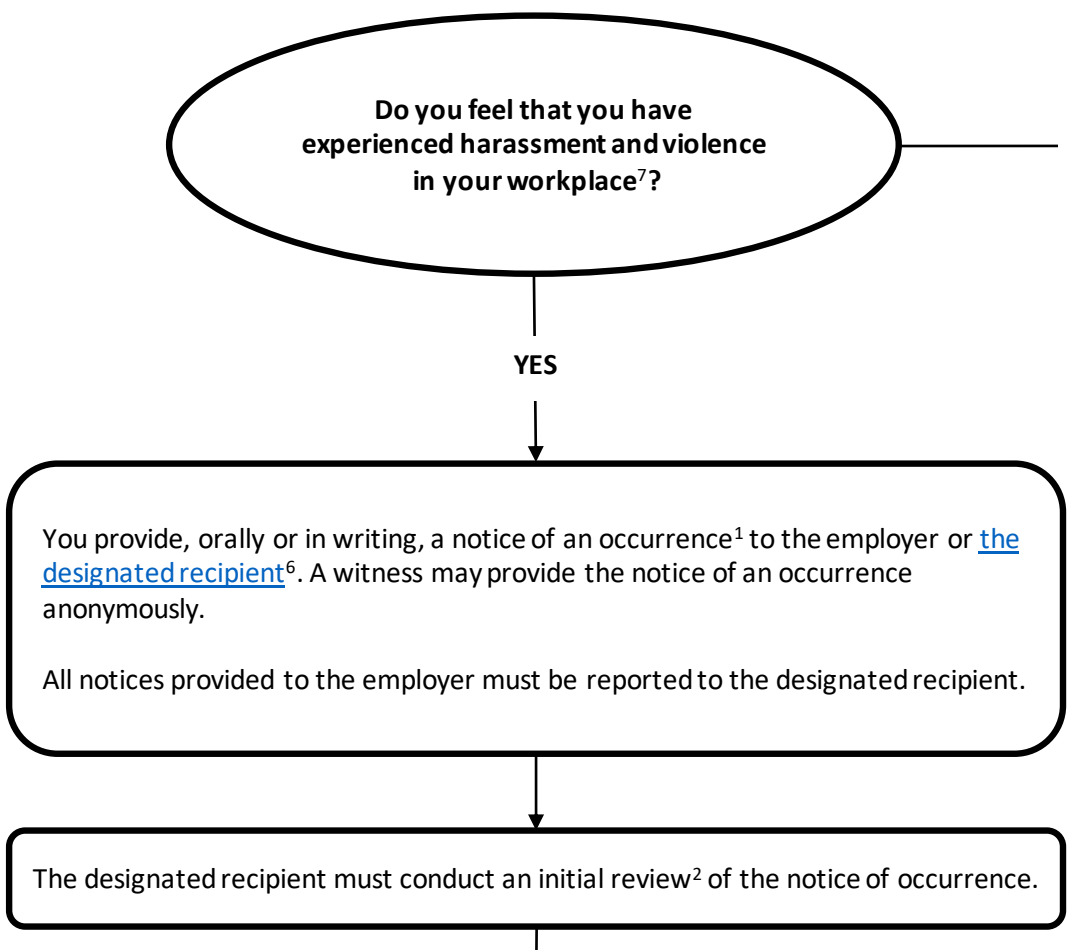


ESDC Harassment and Violence Notice of Occurrence Resolution Process

Within one year

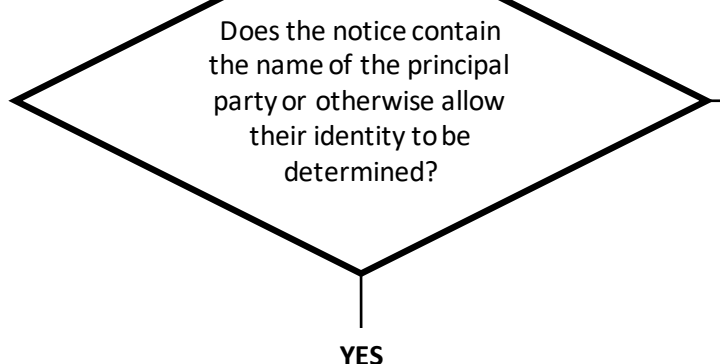
Note
If the responding party is not an employee or the employer (i.e. if it is a visitor or client) then the complaint will not proceed under the resolution process. It will be referred to the employer and workplace health and safety committee or health and safety representative to conduct a joint workplace assessment⁵.



Even if you're not sure it is harassment or violence, an issue may still exist in the workplace.

You have many options to consider:

- If you are able to, attempt to resolve the issue amicably directly with the individual.
- Speak with a trusted supervisor.
- Book a confidential consultation with a [Harassment and Violence Centre of Expertise \(HVCE\)](#) advisor for help exploring the best means of resolving your concerns.
- Contact the [Office of Informal Conflict Management \(OICM\)](#).
- Seek support from your bargaining agent representative.
- Contact the [Employee Assistance Program](#).



Within 7 days of receiving the notice of occurrence, the designated recipient must contact you to inform you

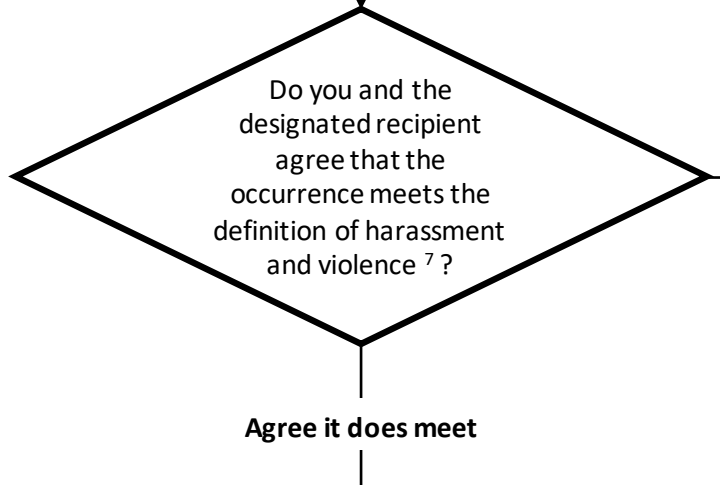
(a) that your notice has been received or that you have been named or identified as the principal party in the notice provided by a witness, as the case may be;
(b) of the manner in which [ESDC's Workplace Harassment and Violence Prevention Policy](#) is accessed;
(c) of each step of the resolution process; and
(d) that you may be represented (by a friend, family member, bargaining agent representative, etc.) during the resolution process.

Negotiated Resolution

The negotiated resolution phase will begin **no later than forty-five (45) days** after receipt of the notice of occurrence.

You, the designated recipient (and the employer where applicable), must make **every reasonable effort to resolve the occurrence**.

If you decide to involve the responding party at this point, the designated recipient will contact them.



Note
In these situations, the designated recipient can facilitate support to explore solutions.

Note

- Negotiated resolution, conciliation and investigation can run in parallel until investigator has provided their report
- The designated recipient must provide parties with monthly updates regarding the status of the resolution process.
- The principal party may end the resolution process at any time.
- If the principal party ends the process and the occurrence is not resolved, a review of the workplace assessment must be undertaken.

Negotiated Resolution (continues)

You and the designated recipient will **continue every reasonable effort** to resolve the incident.

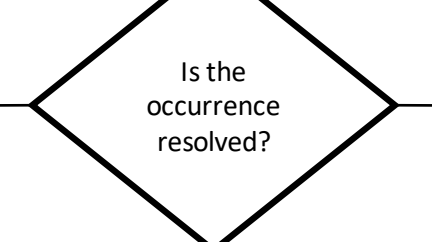
Note that to proceed to conciliation and/or investigation, your name and the notice of occurrence will be shared with the responding party.

Conciliation⁴

You and the responding party may attempt to resolve the occurrence by conciliation if you both agree to conciliation and on a person to facilitate it.

Investigation

An investigation of the occurrence must be carried out if you request it.



The designated recipient will provide notice that an investigation is to be carried out and must select an investigator from the list developed by ESDC's Policy Health and Safety Committee.

The designated recipient provides all relevant information to the investigator to carry out the investigation. Prior to the investigation, the investigator provides a written statement to the parties stating that they (the investigator) are not in a conflict of interest regarding the occurrence.

The investigator provides their report which includes:
(a) a general description of the occurrence;
(b) their conclusions; and
(c) their recommendations to eliminate or minimize the risk of a similar occurrence.

The report must not reveal the identity of the persons involved in the occurrence or in the resolution process.

The designated recipient provides the investigator's report to you, the responding party, the employer, and the workplace health and safety committee or representative.

The employer and the workplace health and safety committee or representative jointly determine which of the recommendations set out in the report are to be implemented.

Recommendations are implemented by the employer.

The notice of occurrence is resolved.

Definitions

⁴**Conciliation:**

An informal, confidential process where a neutral person (the conciliator) will help the parties find a satisfactory resolution. Conciliation of an occurrence of harassment and violence can only proceed if both the principal party and responding party agree to it and agree on who will facilitate conciliation.

⁶**Designated Recipient:**

At ESDC, the Director General, Workplace Management Directorate (WPMD), Human Resources Services Branch (HRSB), with the Harassment and Violence Centre of Expertise (HVCE), under delegated authority, will act as the designated recipient.

Employer:

A person who employs one or more employees and includes an employers' organization and any person who acts on behalf of an employer. In the Harassment and Violence Notice of Occurrence Resolution Process, when the principal party or the responding party is the employer, the notice must be provided to the designated recipient.

²**Initial Review:**

The purpose of the Initial Review is to determine whether the notice of occurrence contains the name of the principal party and the responding party (if known), the date of the occurrence, and a detailed description of the occurrence, and to eliminate any notices that do not contain the name of the principal party or otherwise allow the identity of the principal party to be determined.

³**Negotiated Resolution:**

A form of informal resolution in which the principal party meets (either virtually or in-person) with the designated recipient to discuss the occurrence, clarify the information that was submitted in the notice of an occurrence, make a joint determination as to whether the occurrence meets the definition of harassment and violence, and if it is the case, attempt to reach resolution.

¹**Notice of Occurrence of Workplace Harassment and Violence:**

A notice provided orally or in writing containing the following information: (a) the name of the principal party and the responding party, if known; (b) the date of the occurrence; and (c) a detailed description of the occurrence.

Principal Party:

An employee or employer who is the object of an occurrence. This person is the one who has concerns or feels they are the target or victim of the action, conduct or comment from another person.

Responding Party:

The person who is alleged to have been responsible for the occurrence in the notice of an occurrence provided. This person is the one who may have made the offending action, conduct or comment.

Witness:

A person who witnessed an occurrence or is informed of an occurrence by the principal party or responding party. In the Harassment and Violence Notice of Occurrence Resolution Process, a witness may provide notice of an occurrence anonymously.

⁷**Workplace Harassment and Violence:**

Any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

Workplace:

Any place where an employee is engaged in work for their employer. This is not limited to the building and facilities provided by their employer. An employee's workplace follows them wherever they are performing work for their employer. This can include public spaces, third-party premises, or the employee's residence if the employer has allowed them to work-from-home.

⁵**Workplace Assessment:**

The identification of risk factors, internal and external to the workplace, that contribute to harassment and violence in the workplace, and the development and implementation of preventive measures.