



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

MEMBERS OF THE HOUSE OF COMMONS WORKPLACE HARASSMENT AND VIOLENCE PREVENTION POLICY

Approved by the Board of Internal Economy

January 28, 2021

Table of Contents

Effective date	4
Statement	4
Purpose	4
Definitions	5
Application	6
Prevention and Protection Measures	6
Workplace Assessment.....	6
Identification of risk factors	7
Preventive measures - Development and implementation	7
Monitoring	7
Harassment and Violence Prevention Training.....	7
Support Services	8
Legal Fees.....	8
Workplace Harassment and Violence Resolution Process	8
Complaint Notification Process	9
Designated Recipient.....	9
Filing of a complaint.....	9
Privacy and Confidentiality	9
Reprisals.....	10
Complaints that are frivolous, vexatious or made in bad faith.....	10
Initial review.....	10
Response to a complaint.....	11
Resolution Process	11
1. Negotiated resolution.....	11
2. Mediation.....	12
3. Investigation.....	12
Conditions for investigation	12
Notice of investigation.....	12
Selection of investigator	12
Investigation Process.....	13
Investigator’s Report	13

Time Limit.....	14
Monthly status updates	14
Appealing the investigator’s full report.....	15
Reporting Requirements	17
Information to be Provided to the Office of the CHRO	17
Annual Report	18
Records	18
Complaints Related to Employer Non-compliance with the Code	18
Recourse Avenues	18
Policy Review Cycle	19
Responsibilities	20
Supporting References	24
Contacts.....	24
Appendix A: Examples of Behaviours That May Fall Under the Definition of Harassment and Violence	25
Harassment.....	25
Violence	26
Appendix B: Factors Contributing to Workplace Harassment and Violence	27
Individual Characteristics	27
Work Environment	27
Job Factors	28
Appendix C: Security Protocols	29
Violence in the Workplace	29
Parliamentary Precinct	29
Constituency Offices.....	29
Family Violence	30

Effective date

This policy was approved by the Board of Internal Economy on January 28, 2021 and replaces the *House of Commons Policy on Preventing and Addressing Harassment*, approved by the Board of Internal Economy on December 9, 2014.

Icon Used in this document



This icon indicates sections where additional customized content may be added if the Member and the health and safety representative jointly agree to it*. Members are responsible for keeping copies of any customized policies.

*Note that throughout this policy, the workplace health and safety committee replaces the health and safety representative in workplaces with 20 or more employees.

Statement



As employers, Members of Parliament are committed to providing a healthy and respectful work environment that is free from harassment and violence. Members will:

- be proactive in preventing workplace harassment and violence; and
- address and resolve reported occurrences of workplace harassment and violence in an objective, unbiased and timely manner, taking necessary action and providing appropriate support to their employees.

Employees, interns, and volunteers are expected to contribute to a healthy and respectful work environment and are encouraged to report any occurrences of harassment and violence in the workplace.

Purpose

The purpose of this policy is

- to ensure that Members and their employees enjoy a respectful work environment that is free from harassment and violence;
- to outline the process for resolving a reported occurrence of harassment and violence in a timely, fair and consistent manner;
- to ensure that Members and their employees are informed of available resources; and
- to meet the requirements of the [Parliamentary Employment and Staff Relations Act \(PESRA\)](#) regarding the [Canada Labour Code, Part II](#) (the *Code*), and its [Workplace Harassment and Violence Prevention Regulations](#) (the *Regulations*).

A further purpose of this policy is to ensure that Members and their employees understand that acts of harassment and violence are taken seriously, will not be tolerated and may lead to disciplinary action. This policy is not intended to provide monetary compensation to anyone who is found to have experienced occurrences of harassment and violence. The [recourse](#) section outlines other options that may be available.

Definitions

Complainant - An employee or Member who is the object of an alleged incident of harassment and violence in the workplace.

Designated recipient - A work unit or person that is designated by an employer and to whom complaints are filed. For the purposes of this policy, the designated recipient is the Chief Human Resources Officer (CHRO) or any work unit designated by the CHRO. The designated recipient can be reached by telephone at 613-996-2068 or by e-mail at rw.rmt@parl.gc.ca.

Employee - A person employed by a Member. For the purposes of this policy, the term “employee” includes paid and unpaid interns, volunteers.

Harassment and violence – Any action, conduct or comment, including those of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee. Examples are provided in [Appendix A](#).

This concept includes harassment as outlined in the [Canadian Human Rights Act](#) based on grounds such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and a conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Health and safety representative - A person appointed for a workplace in which 19 or fewer employees are normally employed.

Member - A Member of the House of Commons in their role as employer, whether acting in their capacity as Member, House Officer, or Member responsible for a research office.

Occurrence - An alleged incident of harassment and violence in the workplace.

Parliamentary workforce – Employees of the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer, office of the Conflict of Interest and Ethics Commissioner, Parliamentary Protective Service, Parliamentary Protective Service and office of the Parliamentary Budget Officer.

Representative – A person representing the complainant or the respondent during the resolution process.

Respondent - The person who is alleged to have been responsible for the occurrence in a complaint.

Whip – The Whip of the caucus to which the Member belongs or any person acting on their behalf.

Witness - A person who witnessed an occurrence or is informed of one by the complainant or respondent.

Workplace assessment – A process, jointly carried out by the Member and the health and safety representative, that identifies risks of harassment and violence in the workplace and leads to the development and implementation of preventive measures to protect the workplace from these risks.

Workplace health and safety committee - a committee established for workplaces controlled by a Member in which 20 or more employees are normally employed.

Application

This policy applies to Members and to their employees in the workplace. It applies to former employees in the circumstances set out in this policy.

In the event one of the parties involved in an alleged occurrence is not the Members' employee, appropriate measures will be taken, on a case-by-case basis, to clarify, intervene, and address the situation. These measures may include notifying the party's employer, or other responsible authorities, if necessary, and implementing corrective measures as required.

Workplace

The workplace means any place where the employee is engaged in work for the Member, including:

- the Member's parliamentary office and constituency office; and
- any location where work-related activities are performed, including the locations of business travel, conferences, training activities and Member-sponsored social events.

Joint agreement

If the Member and the health and safety representative are unable to agree on any matter that this policy requires them to do jointly, the Member's decision prevails.

Prevention and Protection Measures

Workplace Assessment

To identify and address [factors contributing to workplace harassment and violence](#), the House Administration will provide a general workplace assessment template for the overall work environment for Members. This assessment will identify risk factors to help implement preventative measures as outlined in this policy. The Member and the health and safety representative may add to this assessment or create their own assessment, if desired.

Identification of risk factors

The workplace assessment must identify the risk factors, internal and external to the workplace, that contribute to harassment and violence in the workplace, taking into account:

- the culture, conditions, activities, and organizational structure of the workplace;
- circumstances external to the workplace, such as family violence, that could give rise to harassment and violence in the workplace;
- any reports, records, and data that relate to harassment and violence in the workplace;
- the physical design of the workplace; and
- the measures that are in place to protect psychological health and safety in the workplace.

Preventive measures - Development and implementation

Within six months after the risk factors are identified, the Member and the health and safety representative must develop and implement preventive measures that, to the extent feasible, mitigate the risk of harassment and violence in the workplace.

Monitoring

The Member and the health and safety representative monitor the adequacy of the workplace assessment and update it as required to reflect a changes to the information set out in the assessment, including:

- changes in the risk factors; and
- changes that compromises the effectiveness of a preventative measure developed and implemented.

Review and update

The Member and the health and safety representative must conduct a workplace assessment review in situations where the resolution process cannot proceed for any of the following reasons:

- an occurrence is not resolved by negotiated resolution and the complainant decides to end the resolution process; or
- the respondent is not an employee or the Member.

The review must consider the circumstances of the occurrence. The Member and the health and safety representative must also jointly review and, if necessary, update the workplace assessment every three years.

Harassment and Violence Prevention Training

Harassment and violence prevention sessions are provided to Members and their employees. This training gives participants a better understanding of the roles that the Member and the employees play in maintaining a culture of respect in the workplace and focuses on harassment and violence prevention in the workplace. All new Members and employees must receive training within **three months** after the

day they start in their position. Further, Members and employees must receive this training again **once every three years**.

Additional training that is jointly chosen by the Member and the health and safety representative may also be provided.

Support Services



The House of Commons delivers programs that offer voluntary and confidential services to employees involved in harassment and violence occurrences through the [Employee and Family Assistance Program](#) and the [Respectful Workplace team](#). A list of additional support agencies is available through the Member's office.

Legal Fees

In cases involving allegations of harassment and violence by Members, additional support to the employees and Members involved may be provided further to the [harassment and violence](#) section of the Board of Internal Economy's [Legal Fees Policy](#). If a legal issue arises in the performance of their parliamentary functions, Members must consult the [Office of the Law Clerk and Parliamentary Counsel](#) before retaining outside counsel.

Workplace Harassment and Violence Resolution Process

The following parties may file a complaint under this policy:

- an employee of a Member;
- a Member;
- a former employee, within three months of departure unless there are extenuating circumstances; and
- a witness on behalf of a complainant, namely one of the above.

A complaint may allege harassment and violence caused by anyone, including:

- a fellow employee of a Member;
- a Member;
- a former employee;
- a constituent;

- another member of the parliamentary workforce, another Member of Parliament or an employee of another Member; and
- a member of the public.

The resolution process of this policy is available only where the complainant consents to it and in the case of a complaint:

- that involves employees of the same Member;
- that involves a Member and an employee of that Member; or
- that is initiated by a former employee against a current employee of the same Member, or against a current Member who is their former employer.

Complaint Notification Process

Designated Recipient

For the purposes of this policy, the designated recipient is the CHRO or any work unit designated by the CHRO.

The designated recipient may be reached by telephone at 613-996-2068 or by email at rw.rmt@parl.gc.ca.

Filing of a complaint

The complainant or a witness may file a complaint either orally or in writing with the Member or designated recipient. If a complaint is submitted in writing, the complainant or witness may use the [notification template](#). The witness may file a complaint anonymously.

In a case where the complainant or the respondent is the Member, the complaint must be filed with the designated recipient.

Content of a complaint

The complainant or witness must include the following information in the complaint:

- the name of the complainant and the respondent, if known;
- the date of the occurrence(s); and
- a detailed description of the occurrence(s).

Privacy and Confidentiality

The Member or designated recipient is committed to the protection of the privacy of persons involved.

In order to protect privacy and maintain the integrity of the process, all parties involved in the resolution process, including the complainant, the respondent, witnesses and representatives, are required to keep confidential:

- the identity of those involved in the process;
- the allegations made and the positions and evidence of the parties;
- the content of discussions in the course of these processes; and
- the content of any material exchanged.

Confidentiality is to be maintained except for the notification to the Whip, as set out below, or unless disclosure is necessary to protect employees, or is required in order to impose or implement remedial or disciplinary action, or as required by law.

Whips are to be informed by the designated recipient or the Member of any complaint concerning their caucus members or their employees so that any appropriate measures in the circumstances, such as interim and precautionary measures, may be taken. They receive a general description of the allegations when the complaint is received and status updates on request. The identity of the employees involved is kept confidential from the Whip unless it is necessary for the Whip to take the appropriate measures. The Whip is to keep confidential all information received regarding a complaint, unless disclosure is necessary to implement the appropriate measures.

This does not prevent any parties from commencing or participating in external complaint processes or from discussing the matter with representatives.

Reprisals

Parties involved in an occurrence are forbidden to retaliate or threaten retaliation against any individual because that individual is participating or may participate in the resolution process. If any party should perceive retaliatory action from another party involved in the occurrence, that party may present this concern to the Member or designated recipient, who must remind all parties that retaliation is prohibited under this policy.

Complaints that are frivolous, vexatious or made in bad faith

Individuals who file a complaint that is found to be frivolous, vexatious or made in bad faith may be subject to corrective or disciplinary action.

Initial review

The Member or designated recipient reviews every complaint received. Part of the initial review consists in deciding whether precautionary measures are required and whether the resolution process applies.

If the complaint does not contain the name of the complainant, or they cannot be identified, the complaint is considered closed.

The complainant may end the resolution process at any time by informing the Member or designated recipient of their wish to withdraw from the process.

Response to a complaint

Contact with complainant

Within seven days of receiving a complaint, the Member or designated recipient, must contact the complainant in writing to inform them:

- that their complaint has been received or that they have been named or identified as the complainant in a complaint filed by a witness, as the case may be;
- of the way this policy is accessed;
- of each step of the resolution process; and
- that they may be represented during the resolution process.

Contact with witness

If a complaint is filed by a witness who is not anonymous, the Member or designated recipient must, within seven days of receiving the complaint, contact the witness in writing to confirm that the complaint was received. The witness will not receive additional updates on the resolution process or be further involved unless asked to participate in an investigation.

Contact with respondent

When the Member or designated recipient contacts the respondent after receiving a complaint, they must inform the respondent in writing:

- that they have been named or identified as the respondent in a complaint;
- of the way this policy is accessed;
- of each step of the resolution process; and
- that they may be represented during the resolution process.

Resolution Process

The following is an outline of the resolution process:

1. Negotiated resolution

The Member or designated recipient, the complainant and, if contacted, the respondent, must make every reasonable effort to resolve the situation that has given rise to the complaint. Resolution of the occurrence includes a joint determination by the complainant and the Member or designated recipient that the complaint does not describe an action, conduct or comment that constitutes harassment and violence. In that case, the complainant may be offered alternative dispute resolution options through the [Respectful Workplace team](#).

Efforts to resolve the issue must begin no later than 45 days after the day the complaint is filed. If an investigation occurs, the situation can still be resolved (through negotiated resolution) at any time before the investigator provides their report.

2. Mediation

Mediation is a voluntary process, agreed to by both parties, that is used to resolve conflicts. In mediation, a third party (the mediator) helps the parties to find a mutually agreeable solution. Both parties must agree to mediation and accept the mediator. In all cases, the process moves to an investigation if that is the complainant's wish. However, once the investigator has provided their report, the issue can no longer be resolved by mediation.

3. Investigation

Conditions for investigation

If a complaint is not resolved by negotiated resolution or mediation, it must be investigated.

The investigation is discontinued if the complaint is resolved by either negotiated resolution or mediation, provided the investigator's report has not yet been received.

Notice of investigation

The Member or designated recipient provides the complainant and the respondent with written notice that an investigation will be carried out.

Selection of investigator

The Member or designated recipient selects one of the following persons to act as the investigator:

- a person from a list of investigators developed and maintained by the CHRO or their delegate that is jointly identified by the Member and the health and safety representative; or
- in any other case,
 - a person (from the list of investigators maintained by the CHRO or otherwise) agreed to by the Member or designated recipient, the complainant and the respondent, or
 - if there is no agreement within 60 days after the day on which the complaint is filed, a person chosen by the Member or designated recipient from among those made available by the Employment and Social Development Canada (ESDC) Labour Program.

The Member or designated recipient may select a person to act as the investigator only if the person:

- possesses the appropriate knowledge, training and experience, as outlined in this policy; and
- provides the Member or designated recipient, the complainant and the respondent with a written statement indicating that the person is not in a conflict of interest in respect of the occurrence.

Investigator's qualifications

An investigator must:

- be trained in investigative techniques;

- have knowledge, training and experience that is relevant to harassment and violence in the workplace; and
- have knowledge of the [Code](#), the [Canadian Human Rights Act](#) and any other legislation that is relevant to harassment and violence in the workplace.

Information for investigator

The Member or designated recipient must provide the investigator with the notice of complaint, the notice of investigation, contact information for the parties and any relevant information required to begin the process.

Investigation Process

The investigator must conduct the investigation in accordance with the principles of procedural fairness while using their discretion to conduct the investigation in the most appropriate manner. The investigator reviews the complaint and the notice of investigation, interviews the complainant, the respondent and any witnesses or any other persons whom the investigator deems necessary to interview for the purposes of the investigation. During this process, the investigator grants the respondent an opportunity to respond to the allegations. In all cases, the parties have the opportunity to be heard and interviews are conducted in a fair, impartial and professional manner. Each individual is interviewed separately and is required to sign their statement as recorded by the investigator, indicating agreement. The investigator may also consult relevant documents provided by the parties.

The investigator completes the investigation, and prepares a preliminary summary of all relevant information gathered, including the respective versions of events provided by the complainant, the respondent and any witnesses. The investigator provides this preliminary summary to the complainant and the respondent. The designated recipient may also be the point of contact for any information exchanged between the parties and the investigator. The parties must keep this preliminary summary confidential and have ten 10 working days to submit any responses in writing or to provide additional information to the investigator. The investigator considers all information received and prepares the investigator's report.

The investigator will provide the Member or designated recipient, as the case may be, with a report on the status of the investigation on a regular basis or at the request of the Member or designated recipient.

Investigator's Report

The investigator's report includes two parts: the **occupational health and safety harassment and violence prevention section (OHS prevention section)**, which is used to comply with the requirements of the [PESRA](#) regarding the [Code](#) and its [Regulations](#), and a **full report** section which may be used to impose remedial or disciplinary measures.

The OHS prevention section

The OHS prevention section must set out the following information:

- a general description of the occurrence;
- the investigator's conclusions, including those related to the circumstances in the workplace that contributed to the occurrence; and
- recommendations to eliminate or minimize the risk of a similar occurrence.

The OHS prevention section must not reveal, directly or indirectly, the identity of the persons involved in an occurrence or the resolution process for an occurrence.

The Member or designated recipient reviews the OHS prevention section for clarity and completeness and requests clarification or further investigation if needed.

The Member must provide a copy of the OHS prevention section to the complainant, the respondent and, if they received the complaint, the designated recipient. The health and safety representative is also provided with the OHS prevention section as long as it does not indirectly reveal the identity of the persons involved.

Implementation of recommendations

The Member determines which of the recommendations in the OHS prevention section will be implemented. If the OHS prevention section is provided to the health and safety representative, the Member and the representative jointly determine which of the recommendations in the OHS prevention section will be implemented. The Member must implement all the recommendations chosen for implementation.

Time Limit

The Member must ensure that the recommendations are implemented within one year after the day the complaint is filed, unless circumstances provided in section 33 of the [Regulations](#) apply.

Monthly status updates

For every occurrence for which a complaint is filed, the Member or designated recipient must provide monthly written status updates on the resolution process to the complainant and the respondent.

Full report - Outcomes and disciplinary measures

In addition to the OHS section, the full report section includes:

- the identity of the parties involved;
- a detailed description of the occurrence;
- analysis and findings;

- the investigator’s determination, based upon a balance of probabilities, of whether the occurrence is:
 - substantiated;
 - partially substantiated;
 - not substantiated; or
 - frivolous, vexatious or made in bad faith; and
- any other information that the investigator deems relevant to the full report.

The Member employer or designated recipient reviews the full report for clarity and completeness and requests clarification or further investigation if needed.

If the respondent is an employee, the full report is provided to the Member, the complainant, and the respondent. A respondent may request to appeal the findings of the full report as set out below if the occurrence is substantiated or partially substantiated. The OHS prevention report cannot be appealed.

Absent a request to appeal, the Member determines whether any disciplinary action is required. Employees who are found to have contravened this policy may face discipline up to and including termination of employment. Remedies such as coaching or training may be required.

If the respondent is a Member, the full report is provided to the Member, the CHRO or their delegate, and the complainant. A Member may request to appeal the findings of the full report as set out below as regards to any occurrence is substantiated or partially substantiated. The OHS prevention report cannot be appealed.

Absent a request to appeal, if any occurrence is substantiated or partially substantiated, the full report is redacted by the CHRO or their delegate to protect the identity of the persons involved, except for the identity of the Member who is the respondent.

The CHRO or their delegate presents the redacted full report to the Board of Internal Economy, who determines whether further action is needed, such as taking the necessary steps to refer the matter to the appropriate parliamentary body for the consideration and imposition of remedial or disciplinary measures.

Appealing the investigator’s full report

Within 15 days of receipt, a respondent may submit a request in writing to the CHRO to appeal the investigator’s substantiated findings of harassment and violence against them in the full report. This request must outline the basis for one or more of the following grounds of appeal:

- Breach of procedural fairness;
- Based on the evidence cited in the investigation report, the findings or some of the findings are unwarranted;

- Information that could impact the findings, that was not known at the time of the investigation process, becomes available.

The CHRO examines the respondent's request for appeal to determine whether it alleges any ground to appeal stated in the policy. If the CHRO determines that the request for appeal does not allege any ground for appeal stated in the policy, the respondent may amend the request for appeal within five days of the receipt of the determination of the CHRO. Absent any ground to appeal stated in the policy, the CHRO advises the complainant and respondent that the appeal will not proceed, in addition to the Member employer in the case of an employee respondent. The CHRO provides the redacted investigator's full report to the Board of Internal Economy in the case of a Member respondent.

If the request for appeal falls within the scope of the policy, the CHRO advises the complainant and respondent and Member employer, if applicable, that an appeal process has been initiated and chooses an external reviewer with expertise in investigations, and / or administrative or judicial review processes, to conduct a review. A complainant or respondent may make submissions to the CHRO within five days after being informed of the external reviewer if they have any concerns about the selection of the reviewer and must disclose any conflicts of interest that could impact the neutrality of the reviewer. The CHRO chooses another reviewer if the CHRO determines that there is a conflict of interest that could impact the neutrality of the reviewer.

The reviewer determines the review process, but in all cases performs it in an impartial, fair, and timely manner. The process may include reviewing the investigation report, witness statements, and documents; speaking with the Member, employee, and others involved, as needed; and seeking guidance and information from the House Administration. The reviewer does not conduct a new investigation.

At the conclusion of the appeal, the reviewer prepares a review report with reasons to justify the decision to:

- uphold the investigator's report;
- determine the impact of any new information or breach of procedural fairness on the investigation findings; and/or
- set aside the investigator's report and findings, in full or in part, and order a new investigation, in full or in part.

The reviewer provides the review report to the CHRO who shares it with the complainant, respondent, and Member employer, if applicable. If a new investigation, in full or in part, is ordered by the reviewer, the CHRO facilitates the process and provides any revised full report to the complainant, respondent, and Member employer, if applicable, at the conclusion of the appeal process.

The review report and its outcome, including any revised full report, constitute the final disposition of the appeal. If findings of harassment and violence against an employee continue to be substantiated in whole or in part at the conclusion of the appeal process, the Member employer may consider disciplinary action. If findings of harassment and violence against a Member respondent continue to be substantiated in whole or in part at the conclusion of the appeal process, the redacted review report and the redacted full

report, potentially revised, are provided to the Board, who determines if further action is needed, such as taking the necessary steps to refer the matter to the appropriate parliamentary body for consideration and imposition of remedial or disciplinary measures.

Reporting Requirements

Members have an obligation to provide all of the information listed in this section to the CHRO or their delegate so that they can prepare reports and keep records on workplace harassment and violence on behalf of Members as employers.

Information to be Provided to the Office of the CHRO

The Member will provide the Office of the CHRO or their delegate with the information required by section 36 of the [*Regulations*](#) on an on-going basis, as incidents occur and no later than January 31 for any occurrences from the previous calendar year.

Annual Report

The CHRO or their delegate works with the Members as employers to provide the Minister of Labour with an annual report on or before March 1 of each year on behalf of the Members, as outlined in Section 36 of the [Regulations](#).

The CHRO or their delegate presents an annual statistical report to the Board of Internal Economy with the following information:

- the number, nature and outcome of harassment and violence complaints;
- the number, nature and outcome of alternative dispute resolution processes;
- the outcome of investigations and the corresponding corrective and/or disciplinary measures, including those recommended; and
- the number of persons who attended training sessions related to this policy.

Members are required to report occurrences resulting in death directly to the Minister within 24 hours.

Records

The Members must keep a copy of:

- this policy;
- the documents that form part of the workplace assessment;
- the documents that form part of each review and update of the workplace assessment; and
- any other records required by section 35 of the Regulations for a period of 10 years.

Complaints Related to Employer Non-compliance with the Code

If an employee believes that the [Code](#) or the [Regulations](#) have been contravened as regards to the management of an occurrence of harassment and violence, they may make either an oral or a written complaint to the Member under s. 127.1 of the [Code](#).

Recourse Avenues

Employees can pursue multiple recourse avenues for an occurrence. This includes following the resolution process outlined in this policy as provided by the [PESRA](#) regarding the [Code](#) and the [Regulations](#). An employee who believes they have been subject to harassment and violence based on a prohibited ground of discrimination as outlined under the [Canadian Human Rights Act](#) (the *Act*) may seek recourse under the *Act*. Recourse to the courts may be available in some circumstances. Parties should note that, in some cases, external avenues of recourse may be placed in abeyance pending the

outcome of the process under this policy. An employee who believes they have been a victim of a criminal offence may contact the police.

Policy Review Cycle

This policy must be reviewed every three years or as required to adapt to any future changes in to the Regulations.

Responsibilities

Roles	Responsibilities
<p>The Board of Internal Economy</p>	<ul style="list-style-type: none"> • approves this policy; • ensures the policy is communicated; and • on receipt of a redacted full report, determine whether further action is needed, such as referring the matter to the appropriate parliamentary body for the consideration and imposition of remedial or disciplinary measures.
<p>Members</p>	<ul style="list-style-type: none"> • appoint a health and safety representative or member(s) of a workplace health and safety committee. If there is no health and safety representative or workplace health and safety committee, Members perform the functions of the health and safety representative until a person is selected; • jointly develop with the health and safety representative (where required) the portions of this policy that may have customized additions, jointly review them at least once every three years and, if necessary, update them; • ensure their employees are aware of the policy; • jointly conduct a workplace assessment with the health and safety representative, jointly review it at least once every three years and, if necessary, update it. • jointly review and update the workplace assessment with the health and safety representative in situations where <ul style="list-style-type: none"> ○ the negotiated resolution is unsuccessful, and the complainant chooses not to proceed with the resolution process; or ○ the respondent is not an employee or a Member. • respect confidentiality; • provide information about support services to employees; • attend the required training on preventing harassment and violence in the workplace; • ensure their employees attend the required training on preventing harassment and violence in the workplace; • respond to all occurrences of harassment and violence within seven days of notification or refer them to the designated recipient;

Roles	Responsibilities
	<ul style="list-style-type: none"> • follow the resolution process as outlined in this policy and the <i>Regulations</i>, when a complainant wishes to pursue resolution of an occurrence; • complete the resolution process, investigation and implementation of recommendations within one year of receiving notification of an occurrence, unless the exceptions set out in the <i>Regulations</i> apply; • provide the content from the OHS prevention section of the investigator’s report to the complainant, the respondent, the health and safety representative (where confidentiality can be maintained) and, if they received the complaint, the designated recipient; • jointly determine with the health and safety representative which of the recommendations from the OHS prevention section of the investigator’s report will be implemented; • implement all the jointly chosen recommendations from the OHS prevention section of the investigator’s report; • comply with all other aspects of the <i>PESRA</i>, the <i>Code</i> and its <i>Regulations</i> as they relate to harassment and violence; • ensure that preventive measures are in place to foster a harassment and violence-free workplace, such as informing employees about their commitment to fostering a harassment and violence-free workplace; and • impose disciplinary measures or other measures if deemed required based on full reports involving their employees.
Designated Recipient	<ul style="list-style-type: none"> • has knowledge, training and experience relating to harassment and violence and has knowledge of relevant legislation; • receives harassment and violence complaints; • responds to all complaints within seven days of notification; • follows the resolution process, as outlined in this policy and the <i>Regulations</i>, when a complainant wishes to pursue resolution of an occurrence; • optimizes the use of the negotiated resolution processes; • appoints or coordinates the process for selecting a qualified investigator to investigate the occurrence of workplace harassment and violence, where required;

Roles	Responsibilities
	<ul style="list-style-type: none"> • ensures the completion of the resolution process investigation within one year of receiving a complaint, unless the exceptions set out in the <i>Regulations</i> apply; and • respects confidentiality.
Chief Human Resources Officer (CHRO) or their delegate	<ul style="list-style-type: none"> • presents a redacted full report to the Board of Internal Economy when the occurrence is substantiated or partially substantiated and the respondent is a Member; • completes the necessary reporting on behalf of Members, as outlined in this policy, pursuant to the <i>Code</i>; • provides the annual statistical report to the Board of Internal Economy; • determines which work unit will be the designated recipient or will act as their delegate; and • respects confidentiality.
Members' Human Resources Services	<ul style="list-style-type: none"> • ensures the development or identification of harassment and violence prevention training and delivery of this training to Members and employees; and • provides human resources advisory services to Members and responds to inquiries from Members as employers regarding their responsibilities under this policy.
Health and safety representative or workplace health and safety committee	<ul style="list-style-type: none"> • where required, jointly develops with the Member the portions of this policy that may have customized additions; • jointly reviews the policy at least once every three years, and, if necessary, updates those portions; • jointly conducts a workplace assessment with the Member; • jointly reviews the workplace assessment at least once every three years and, if necessary, updates it; • Jointly reviews and updates of the workplace assessment with the Member in situations where: <ul style="list-style-type: none"> ○ the negotiated resolution is unsuccessful and the complainant chooses not to proceed with the resolution process; or ○ the respondent is not an employee or a Member. • attends the required training on preventing harassment and violence; • respects confidentiality; and

Roles	Responsibilities
	<ul style="list-style-type: none"> • where applicable, jointly determines which of the recommendations in the OHS prevention section will be implemented.
Employees	<ul style="list-style-type: none"> • prevent conflict and harassment and violence by contributing to an atmosphere of mutual trust, support and respect; • become familiar with this policy and any related documentation; • ensure their behaviour is in accordance with the policy; • attend the required training on preventing harassment and violence; • where appropriate and safe, inform a perpetrator of harassment and violence that their actions are inappropriate and unwanted; • report occurrences of harassment and violence to their Member or designated recipient when they experience or witness harassment and violence; • where appropriate, make every reasonable effort to resolve an occurrence through negotiated resolution if involved in the resolution process; • as part of their commitment to contributing to a safe and healthy workplace, cooperate with the investigation process if asked to participate. This does not compel a complainant to file a complaint; • refrain from retaliatory behaviour against witnesses and parties who are involved in the resolution process; and • respect the confidentiality of the information shared throughout the resolution process.
Former employees	<ul style="list-style-type: none"> • report any occurrences of harassment and violence to their former Member or designated recipient within the timelines set out in this policy; • where appropriate, make every reasonable effort to resolve an occurrence through negotiated resolution if involved in the resolution process; • cooperate with an investigator and the investigation process if involved in an investigation; • refrain from retaliatory behaviour against witnesses and parties who are involved in the resolution process; and • respect the confidentiality of the information shared throughout the resolution process.

Roles	Responsibilities
Office of the Law Clerk and Parliamentary Counsel	<ul style="list-style-type: none"> advises the Board of Internal Economy and the House of Commons Administration on their responsibilities under this policy.

Supporting References

[Board of Internal Economy Legal Fees Policy](#)

[Canada Labour Code, Part II](#)

[Canadian Human Rights Act](#)

[Parliamentary Employment and Staff Relations Act, Part III](#)

[Workplace Harassment and Violence Prevention Regulations](#)

Contacts

Enquiries about this policy should be directed to Members' Human Resources Services by telephone at 613-947-5031 or by email at hr-mp.rh-deputes@parl.gc.ca.

Appendix A: Examples of Behaviours That May Fall Under the Definition of Harassment and Violence

Harassment

Harassment may include but is not limited to:

- offensive or intimidating comments or jokes;
- abuse of authority, which may include, but is not limited to:
 - taking advantage of a position to exploit, intimidate, threaten, blackmail, compromise, mistreat or coerce others, and
 - endangering an employee's job, undermining the performance of that job, threatening the economic livelihood of an employee or in any way improperly interfering with or inappropriately influencing an employee's career;
- spreading malicious rumours or gossip about an individual or group;
- cyberbullying (threatening, spreading rumours, or negatively talking to or about someone online or on social media);
- socially excluding or isolating someone;
- tampering with someone's work equipment or personal belongings or impeding a person's work in any deliberate way;
- persistently criticizing, undermining, belittling, demeaning or ridiculing a person;
- psychological harassment;
- stalking;
- isolating or making fun of someone because of their gender identity;
- sexist remarks;
- racist remarks;
- homophobic remarks;
- transphobic remarks;
- verbal threats or intimidation;
- unwelcome physical contact;
- invading someone's personal space;
- sexual innuendo or insinuation;
- unwanted and inappropriate advances, invitations or requests, including those of a sexual nature;
- unwanted sexual attention or leering; and
- making aggressive, threatening or rude gestures.

Harassment is not:

- the reasonable exercise of management responsibilities or authority related to: the provision of advice, the assignment of work, coaching and feedback, performance evaluation and management, attendance management, disciplinary action, or other supervisory or leadership functions; or
- a disagreement regarding a policy or practice.

Violence

Violence may include the following:

- verbally threatening to attack a colleague;
- leaving threatening notes or sending threatening emails to someone at work;
- assault;
- hitting;
- kicking;
- spitting;
- wounding;
- battering;
- homicide;
- swearing or shouting in an offensive manner;
- verbal abuse;
- an attack with any type of weapon; and
- sexual violence against a colleague.

Appendix B: Factors Contributing to Workplace Harassment and Violence



A number of factors may contribute to workplace harassment and violence. These factors can be divided into three general categories: individual characteristics, the work environment, and job factors.

Individual Characteristics



Working with individuals who exhibit certain characteristics can put employees at greater risk of harassment and violence. These may include working with:

- members of the public or constituents who are frustrated with the system, who are in shock or angry and who may lash out;
- individuals who have a history of violence;
- individuals who are unable to control their behavior;
- individuals who exhibit discriminatory attitudes and behaviour; and
- individuals who may be under the influence of drugs or alcohol.

Work Environment



Certain work environments and workplace designs can create additional hazards that may lead to harassment and violence. These environments may include:

- working with the public;
- working alone, in small numbers or in isolated or low-traffic areas;
- working in an environment that tolerates or promotes discriminatory attitudes and behaviours; and
- working in an overcrowded environment.

Job Factors



Aspects specific to a job, such as mental and physical demands of the job, can create additional hazards that may lead to harassment and violence. These aspects may include:

- a lack of control over the way work is done;
- excessive workload;
- unreasonable or tight deadlines leading to high stress;
- confusing, conflicting or unclear jobs or roles; and
- a lack of job security.

Appendix C: Security Protocols



Violence in the Workplace

If you witness or experience violence at work,

- remove yourself from the situation if you can;
- inform the Member or seek assistance from a co-worker immediately;
- if your physical security or well-being is threatened, **call 9-1-1**, or if available, press your panic button; and
- call the Parliamentary Precinct emergency line at 613-992-7000 as soon as possible.

If you are dealing with a violent person,

- stay calm;
- try to calm the other person or defuse the situation;
- avoid saying or doing anything that could aggravate the situation;
- avoid eye contact or sudden movements that could be perceived as threatening;
- respect their personal space;
- continue the conversation only if the person calms down;
- tell the person that you understand the reason for their anger;
- if the behaviour persists, end the conversation;
- politely advise the person that you will leave the work area or ask them to do so;
- notify the Member or seek assistance from a co-worker immediately (use the panic button if necessary and available);
- if the person refuses to leave the premises, and the situation escalates, **call 9-1-1**; and
- call the Parliamentary Precinct emergency line at 613-992-7000 as soon as you can.

Procedures for other emergency scenarios are available by clicking [here](#).

Parliamentary Precinct

In the case of an immediate threat, leave the area that presents a danger, if possible, and call the Parliamentary Precinct emergency line at 613-992-7000 or **9-1-1**.

Constituency Offices

Emergency protocols specific to constituency offices are available by clicking [here](#).

In the case of an immediate threat, leave the area that presents a danger, if possible, call **9-1-1** and then call the Parliamentary Precinct emergency line at 613-992-7000.

Family Violence

Any employee who experiences violence outside of the workplace that may create a risk of danger to themselves or others in the workplace or who has knowledge of another employee in that situation is encouraged to report the matter to the Member so that necessary preventative measures may be taken to protect all employees.