



Department of Justice  
Canada

Ministère de la Justice  
Canada



Office of Conflict Management

# TOWARDS A CONFLICT AND HARASSMENT-FREE WORKPLACE



*Respect Works*

Canada

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*The Department's strength comes from all members of the organization, who are committed to working together on the basis of mutual trust, support and respect.*

- excerpt from the Mission and Values of the Department of Justice

## **RESPECT WORKS**

### **IN ACCORDANCE WITH OUR POLICY ON THE PREVENTION OF CONFLICT AND HARASSMENT:**

- Every employee of the Department of Justice has a right to be treated with respect and has the responsibility to treat others the same way.
- The policy is designed to foster mutual trust, support and respect by preventing conflict and harassment when possible and by providing mechanisms for resolving conflicts promptly.
- The policy applies to all Justice personnel, including indeterminate, term, agency and contract employees, as well as employees of other federal departments who work under the direction of Justice personnel

*For a full explanation of the Department of Justice policy, see "Towards a Conflict- and Harassment-Free Workplace". The policy is available from the Office of Conflict Management and the Communications and Executive Services Branch as well as on the Justice Intranet site.*

### **HOW DOES CONFLICT ARISE?**

Conflict can be caused by personality differences, a lack of communication, misunderstandings or perceptions and differences in viewpoint. It can also result from a lack of empathy, where one person is unable or unwilling to see another's point of view, or through simple thoughtlessness. In an organizational context, conflict is "the expression of dissatisfaction or disagreement with an interaction, a process, a product or a service".

## WHAT IS HARASSMENT?

**Harassment** is the extreme in a continuum of conflict between people, and is prohibited by law. Harassment may include the following:

- conduct, both unwelcome and offensive, that is directed by a person at one or more other persons in the workplace and that the person knew or ought reasonably to have known would offend, such as sexual harassment;
- threats, specific or implied;
- conduct that is discriminatory under the Canadian Human Rights Act; or
- abuse of authority.

## HOW CAN I HELP PREVENT CONFLICT AND HARASSMENT FROM OCCURRING?

You can help by:

- being sensitive to what could offend others and asking when you are unsure; or
- apologizing if you think you may have offended someone and changing your behaviour;
- refraining from becoming involved in a situation likely to be perceived as harassment;
- communicating your displeasure, disagreement or uneasiness when you perceive that you are being subjected to offensive or humiliating behaviour;
- informing your manager if you are aware of a conflict.

**If you are a manager:** Provide awareness sessions on appropriate behaviour in a work environment. Remember that you are responsible for the behaviour of the employees under your supervision and that you have a responsibility to foster an atmosphere of mutual trust, support and respect, free of unresolved conflicts and harassment.

## WHAT PROCESSES ARE AVAILABLE FOR RESOLVING CONFLICTS AT JUSTICE?

The departmental policy encourages people involved in, or aware of, a conflict to resolve the conflict themselves, using an informal conflict resolution process. This may entail:

- communicating to the person involved your displeasure, disagreement or uneasiness when you perceive that you are being subjected to offensive or humiliating behaviour;
- seeking the assistance of your manager or a neutral third party; or
- requesting the advice of the Office of Conflict Management, which will act as facilitator in resolving the conflict.

Sometimes, informal measures may not be successful, or appropriate. In such cases, the **formal complaint and official investigation process** can be used. A formal complaint may be laid with the Office of Conflict Management, who will then:

- inform the person against whom the complaint has been filed and the respective managers of both parties;
- initiate a preliminary investigation to determine whether there is sufficient evidence to warrant a full investigation. This preliminary investigation should be completed within 20 days;
- if a full investigation is warranted, assign an independent, neutral investigator from outside the Department. The formal investigation should be completed within 60 days;
- monitor the outcome of a complaint with the parties and the managers involved for a period of two years to ensure that effective corrective measures have been taken and that there is no recurrence of the offending behaviour.

*With the agreement of both parties mediation can be initiated at any point in the informal or formal conflict or harassment resolution process.*

## OTHER FORMS OF REDRESS

If a complaint involving the same matter is being or has already been dealt with through another form of redress involving areas such as performance evaluation, staff relations and the application of rules of discipline, the complaint process will not apply. The proper recourse is the grievance procedure or some other process.

## ROLE OF THE OFFICE OF CONFLICT MANAGEMENT

The Executive Director and the advisors will:

- provide assistance to employees and managers with all problems related to workplace conflict and harassment, whether they occur in the national capital area or in the regions;
- promote a positive working environment through awareness and training sessions;
- negotiate agreements with parties through the informal process;
- organize workplace assessments;
- administer the mediation process;
- manage the formal investigation process;
- advise the Deputy Minister with respect to conflict resolution and formal investigations; and
- monitor the outcome of the conflict resolution process, agreements and formal investigations.

## FOR MORE INFORMATION CONTACT

**Executive Director**

Telephone: (613) 941-1993

**Advisor**

Telephone: (613) 946-7493

### **Office of Conflict Management**

Constitution Square, Tower 2

Suite 350

350 Albert Street

Ottawa, Ontario

K1A 0H8

Telephone: (613) 952-8238

Facsimile: (613) 952-8538