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CHIEF PROFESSIONAL CONDUCT AND CULTURE (CPC)

DIRECTOR GENERAL CONFLICT SOLUTIONS AND SERVICES (DGCS)

Workplace Harassment and Violence Prevention Policy Manual

V1



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CHIEF PROFESSIONAL CONDUCT AND CULTURE (CPC)

DIRECTOR GENERAL CONFLICT SOLUTIONS AND SERVICES (DGCSS)



Aussi disponible en français sous le titre : Manuel de la politique de prévention du harcèlement et de la violence dans le lieu de travail

For more information, contact: WHVPCoE-PHVCE@forces.gc.ca

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Part I- General Principles

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Application

This policy manual must be read in conjunction with Defence Administrative Order and Directive (DAOD) [5014-0](#), Workplace Harassment and Violence Prevention (WHVP) and applies to the Defence Team, which includes Department of National Defence (DND) Public Service employees and Canadian Armed Forces (CAF) members, except in the following circumstances:

- Where a harassment or workplace violence occurrence, or complaint, involves CAF members-only; that is, where the two parties to an occurrence or complaint are both CAF members, the following policy and instructions will apply to the complaint and investigation processes only:
 - [DAOD 5012-0](#), Harassment Prevention and Resolution; and
 - [A-PM-007-000/FP-001](#), Harassment Prevention and Resolution Instructions;Note: Prevention and other support measures of this policy manual will still apply.
- It does not apply to Personnel Support Programs (PSP) or Non-Public Funds (NPF) employees.

Within the context above, this policy manual applies to Defence Team members, who are engaged in work, work-related activities, work-related relationships, both on and off Departmental premises. This includes, but is not limited to:

- Telework or remote work to the extent that the DND employee activities are controlled by DND or the CAF;
- Instruction, training or information sessions approved by the DND or the CAF;
- Attendance at events, including social events, approved by the DND or the CAF;
- Attendance at meetings and conferences approved by the DND or the CAF;
- Travel status to the extent that activities are controlled by the DND or the CAF; and
- Use of communication technology, including social media platforms, with a connection to the workplace or employment conditions.

Workplace harassment and violence is defined as: “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.”

Notes:

- [DAOD 5014-0](#) applies to any incident of workplace harassment and violence which occurred or was reported to DND or the CAF, after January 1, 2021.
- For incidents that occurred prior to January 1, 2021, [Part XX of the Canada Occupational Health and Safety Regulations and DAOD 5012-0](#), will continue to apply.

Enquiries

For general information on the WHVP Program, please visit the [Workplace Harassment and Violence Prevention Program website](#).

For specific questions and information on:	Contact/email:
WHVP policy, procedures, and training	Workplace Harassment and Violence Prevention Centre of Expertise (WHVP Centre of Expertise (CoE))
Submitting a receipt of Notice of Occurrence (NoO)	Designated Recipient (DR)
Alternative Dispute Resolution (ADR) services	Conflict and Complaint Management Services (CCMS)
Assistance with Restorative Services (RS)	Restorative Services

Purpose

The purpose of this Policy Manual is to provide information and instructions on:

- the Department of National Defence's Workplace Harassment and Violence Prevention program, which places an emphasis on prevention and resolution;
- and the steps that management and/or the CoC must take when an incident occurs.

Mission Statement

The DND and the CAF are committed to the empowerment and support of Defence Team members by the prevention and resolution of workplace harassment and violence, in order to foster a safe and respectful workplace.

Context

Amendments to the *Canada Labour Code* (the Code) came into effect on January 1, 2021, enabling the *Work Place Harassment and Violence Prevention Regulations* (the Regulations). The Regulations introduced several amendments to strengthen the existing framework for workplace harassment and violence prevention. This includes sexual harassment and sexual violence, discrimination, as well as family violence.

The framework has three main components:

- preventing incidents of harassment and violence from occurring;
- responding effectively to these incidents when they do occur; and
- supporting victims, survivors, and employers in the process.

The Department of National Defence must protect the health and safety of the Defence Team. Every Defence Team member within the organization has a role to play to prevent workplace harassment and violence.

The *Workplace Harassment and Violence Prevention Policy Manual* and [DOAD 5014-0](#) were developed jointly with the National Health and Safety Policy Committee.

The WHVP focuses on prevention by using a multifaceted approach through training, workplace assessments and resolving occurrences of workplace harassment and violence.



Roles and Responsibilities

The... is/are responsible to ...

Chief Professional Conduct and Culture (CPCC)	<ul style="list-style-type: none"> Act as functional authority for the prevention of workplace harassment and violence. Issue policies, instructions, directives, and guidelines concerning the prevention of workplace harassment and violence for DND employees and CAF members. Appoint a work unit as the DR.
Director General Conflict Solutions and Services (DGCSS)	<ul style="list-style-type: none"> Establish Alternate Dispute Resolution (ADR) services to support the resolution processes. Establish, jointly with the National Health and Safety Policy Committee, a pool of qualified WHVP investigators.
Director of General Safety	<ul style="list-style-type: none"> Oversee Workplace Violence Program incidents prior to January 1, 2021 Oversee Occupational Health and Safety as it relates to psychosocial factors that may cause workplace harassment and violence.
National Health and Safety Policy Committee (NHSPC)	<ul style="list-style-type: none"> Act as the applicable partner providing recommendations to the functional authority on prevention of workplace harassment and violence by jointly developing the applicable policy and participating in joint reviews as required.
Commanding Officers/ Chains of Command (CoC)/ Managers and Supervisors	<p>Prevention</p> <ul style="list-style-type: none"> Ensure workplace well-being by promoting and modelling the behaviours contained in the DND and CF Code of Values and Ethics.

	<ul style="list-style-type: none"> • Ensure that all Defence Team members are aware of this policy and their responsibilities outlined herein and that the policy is readily available. • Establish WHVP activities within their organization that are consistent with the WHVP Program as outlined in DAOD 5014-0 and this manual. • Promote the prevention of harassment and violence in their organizations and implement measures to minimise risk of incidents occurring. • Establish procedures to respond to emergencies related to workplace harassment and violence, should they arise. • Work jointly with the Workplace Health and Safety Committees or Health and Safety Representatives to develop, monitor and update workplace assessments and implement investigation report recommendations. <p>Training</p> <ul style="list-style-type: none"> • Ensure that all Defence Team members within their organization take mandatory WHVP courses, as required. <p>WHVP Process</p> <ul style="list-style-type: none"> • Advise the WHVP CoE within seven consecutive days when a NoO is received within their area of responsibility. • Respect the confidentiality of the information shared throughout the resolution process of an occurrence. The disclosure of information about the occurrence must be in keeping with the <i>need-to-know principle</i>. • Make every reasonable effort to resolve an occurrence of harassment and violence through negotiated resolution. • Implement preventive measures derived from negotiated resolution and conciliation as well as any additional preventive measures warranted. • Cooperate with an investigator and the investigation process. Refrain from real or perceived retaliatory behaviour against the Principal Party (PP), Responding Party (RP), witnesses and any other individuals involved in the resolution process of an occurrence. • Support employees affected by workplace harassment and violence.
<p style="text-align: center;">Designated Recipient established within CPCC (DGCSS)</p>	<ul style="list-style-type: none"> • Respond to all NoO within seven days of receiving the notice. • Ensure that the parties are aware of their rights and obligations in the resolution process. • Initiate negotiated resolution with the PP within 45 days after the day on which the NoO is received. • Conduct a review of every NoO with the PP against the definition of harassment and violence outlined in subsection 122(1) of the Code. • Make every reasonable effort to resolve an occurrence of harassment and violence for which a NoO is submitted. • Give the principal and responding parties the option of voluntarily participating in conciliation/Alternative Dispute Resolution (ADR) and agree on the assigned facilitator. • Provide notice of investigation to the principal and responding parties if an investigation is requested by the PP. • In the case of an investigation, select a person to act as an investigator from the list of qualified internal and/or external investigators developed jointly by DGCSS and the NHSPC.

	<ul style="list-style-type: none"> • Ensure that the investigator selected for an investigation possesses the necessary knowledge, training and experience required by the Regulations. • Ensure that the investigator has provided a written statement indicating that they are not in a conflict of interest with respect to the occurrence. • Provide the investigator with all information relevant to the investigation. • Provide monthly status updates to the principal and responding parties on the status of the resolution process. • In the event of a conflict of interest, parties must recuse themselves from the process.
<p>Workplace Health and Safety Committees (WHSC) or Health and Safety Representatives</p>	<p>Jointly with CO/CoC/managers and supervisors:</p> <ul style="list-style-type: none"> • conduct the workplace assessment and make recommendations for changes, as required; • monitor and, when necessary, update the workplace assessment when there is a change to the risk factors identified or a change to the effectiveness of the preventive measures developed and implemented; • review and, when necessary, update the workplace assessment every three years; • develop, review and, when necessary, update the emergency procedures; and • determine which of the recommendations set out in an investigation report are to be implemented.
<p>Workplace Harassment and Violence Prevention - Centre of Expertise (WHVP CoE) established within CPCC (DGCSS)</p>	<ul style="list-style-type: none"> • Oversee the implementation and application of the DAOD 5014-0, this manual and related procedures by level one (L1) WHVP advisors, managers, and commanding officers. • Advise on prevention of workplace harassment and violence, related policies, and procedures. • Issue instructions to L1s regarding maintaining corporate records on workplace harassment and violence occurrences, investigations, training and reporting as required by the Regulations. • Facilitate consultation with the NHSPC on the elements of the WHVP program. • Establish policies, procedures, and training, and provide resources on WHVP for DND employees and CAF members. • Lead annual reports to Employment and Social Development Canada as required by the Regulations. • Determine whether an occurrence of harassment and violence in the workplace involving individuals external to the DND/CAF are subject to the Regulations. • Oversee the effectiveness of DAOD 5014-0 and this manual.
<p>Level one (L1) WHVP advisors</p>	<p>Advise their CoC/managers and supervisors and Safety Committees on:</p> <ul style="list-style-type: none"> • WHVP Regulations and the Code Part II; • DND WHVP policy, process and training requirements; • DND WHVP assessment process, forms and resources; • Implementation of preventive measures; and • Coordination of unit awareness and prevention programs.

<p style="text-align: center;">Defence Team Members (Including Principal Party, Responding Party and witnesses)</p>	<p>Prevention</p> <ul style="list-style-type: none"> • Respect and adhere to the expected behaviours found in the DND and CF Code of Values and Ethics. • Report risk factors that may contribute to workplace harassment and violence to the employer. <p>Training</p> <ul style="list-style-type: none"> • Complete training as defined in this policy. <p>WHVP Process</p> <ul style="list-style-type: none"> • Report occurrences of workplace harassment and violence, experienced or observed, to their supervisor/CoC or the DR. • Co-operate in the resolution of workplace harassment and violence occurrences. • Respect the confidentiality of the information shared throughout the resolution process of an occurrence. • Refrain from real or perceived retaliatory behaviour against the PP, RP, witnesses, and any other individuals involved in the resolution process of an occurrence.
<p>Employee Representatives/ Bargaining Agents (for unionized DND employees)</p>	<ul style="list-style-type: none"> • Provide advice and support to witnesses, PP and RP.

Part II – Prevention

WHVP Workplace Assessments

WHVP assessments are mandatory for all workplaces within the DND/CAF and must be jointly completed and reviewed by CoC/management in collaboration with the WHSC or the Health and Safety Representative. The workplace assessment should be a part of an L1's overall Hazard Prevention Program.

Risk factors

There are a number of risk factors that can contribute to workplace harassment and violence including work environments, job factors and external factors. A list of common risk factors was jointly developed by the NHSPC, in accordance with the Regulations. The risk factors identified are both internal and external to DND and could contribute to inappropriate, negative or harmful behaviours, that fall under the definition of workplace harassment and violence. These jointly identified risk factors can be found in Annex D.

Completing the assessment

CoC/manager or supervisor and the WHSC (or the Health and Safety Representative if there is no WHSC) must jointly carry out the initial WHVP assessment for every DND/CAF workplace and they must review the assessment once every three years and recommend modifying preventive measures as required. In addition, the assessment must be reviewed whenever:

- There are changes to the risk factors within the organization that may warrant a reassessment;
- An occurrence is not resolved through the negotiated resolution process and the PP decides to end the resolution process;
- There is a change that compromises the effectiveness of a preventative measure developed and implemented;
- The RP is not a member of the Defence Team;

- A NoO was submitted anonymously; or
- A WHVP investigation recommends changes.

The [WHVP Assessment Guide](#) provides detailed guidance to assist employers in completing workplace assessments along with possible preventive measures, training and resources for risk factors. It may not include all the specific risks for each workplace. For any additional risks the workplace identifies that are not captured in assessment guide, the workplace is required to amend their WHVP assessment so that the additional risk(s) and preventive measure(s) are recorded as part of the assessment.

Training

The mandatory training on the prevention of harassment and violence in the workplace can be found in Annex E or at [Training - Canada.ca](#) and is available through Canada School of Public Service for all Defence Team members (Public Servants and CAF). This training is a requirement under the WHVP Regulations. L1s and Commanding Officers are responsible to ensure all Defence Team members within their organization complete the mandatory training within the following timelines:

- New Defence Team members – within three months of joining the DND or CAF;
- Existing Defence Team members – every three years and following any update to the training or their assignment to a new activity or role for which there is an increased or specific risk of workplace harassment and violence; and
- WHSC and DRs – prior to assuming their duties.

For any CAF member questions about registering for training offered by the Canada School of the Public Service, contact CAF.RegistrationRequiredTraining@forces.gc.ca.

Resolution

The resolution process contributes to the prevention of WHV by allowing employees to identify WHV risks directly to their supervisor/CoC. Through the negotiated resolution, the employee and the supervisor/CoC work collaboratively to identify preventive measures which can resolve and prevent further occurrences of WHV. WHVP investigators offer a report with recommendations to the supervisor/CoC and the WHSC, who will jointly determine which recommendations are to be implemented. The resolution process always involves the supervisor/CoC in the process of prevention by identifying risks and preventive measures within their workplace and acts as a feedback loop regarding the health and safety of its employees.

Part III – Resolution Process

Consult the [WHVP Reporting and Resolution Process](#) Decision Tree for a description of the resolution process.

Step 1: Submission of a Notice of Occurrence (NoO)

Defence Team members who have experienced harassment and violence in the workplace, or who witness someone being subjected to harassment and violence, are encouraged to report it as soon as possible.

Harassment and violence in the workplace can be reported by submitting a NoO in one of three ways:

- To the supervisor/CoC verbally, or in writing by submitting the [Notice of Occurrence](#);
- To the DR verbally by calling 1-833-451-1604 for a secure voicemail box or in writing by submitting the [Notice of Occurrence](#) to the following email address: DesignatedRecipientHVP-DestinataireDesignedelaPHV@forces.gc.ca; or
- Anonymously to the DR by submitting the [Notice of Occurrence](#) and selecting the “anonymous” option on the form and submitting it to the following email address: DesignatedRecipientHVP-DestinataireDesignedelaPHV@forces.gc.ca.
- If the PP or the RP is the employer, the NoO must be provided to the DR.

Note: When an occurrence of workplace harassment and violence involves only CAF members, the following will apply:

- [DAOD 5012-0](#), Harassment Prevention and Resolution; and
- [A-PM-007-000/FP-001](#), Harassment Prevention and Resolution Instructions.

Anonymous Submission

A PP or a witness may choose to provide an anonymous NoO. If a NoO is submitted by a witness or anonymously, and a PP is named, the supervisor/CoC or the DR will contact the PP to ask if they wish to begin the resolution process. If the PP refuses to participate in the resolution process, the occurrence is considered closed.

If the PP cannot be identified or chooses to remain anonymous, the NoO will be shared with the WHSC who will review and, if necessary, update the workplace harassment and violence assessment to determine if any additional preventive measures are required. All information regarding the identity of parties must not be provided to the WHSC to maintain privacy and confidentiality of the person(s) involved. This includes any reference to work locations, dates, division/group names or additional information that would directly or indirectly reveal the identity of a person involved.

When a Supervisor/CoC Receives NoO

If a supervisor/CoC is notified of a NoO, they must inform the WHVP CoE via the positional email WHVPCoE-PHVCE@forces.gc.ca and submit monthly status update reports. If a supervisor/CoC is either the PP or RP (i.e. involved in a NoO), the NoO must be sent directly to the DR via the positional e-mail: DesignatedRecipientHVPDestinataireDesignedelaPHV@forces.gc.ca

Time Period to Submit a NoO

There are no prescribed time limits for a current employee under the Regulations to submit a NoO. However, a delay in notifying the employer may affect the employer's ability to address the occurrence.

A former employee may submit a NoO under the Regulations until the day that is the latter of:

- Three months after the day on which the former employee ceases to be employed by the Employer; and
- If the NoO was provided under subsection 15 (1) of the Regulations, three months after the day on which the resolution process is completed in respect of the occurrence.

Step 2: Initial Review

The first step in the initial review is for the supervisor/CoC or DR to determine whether there is sufficient information in order to proceed with next steps. A NoO must contain:

- Name of the PP and the RP, if known;
- Date of the occurrence(s); and
- Detailed description of the occurrence.

Notice must not be provided in respect of an occurrence if the three (3) following conditions exist:

- (1) the RP is not a Defence Team member;
- (2) exposure to harassment and violence is a normal condition of work for the PP; and
- (3) the Employer has measures in place to address that workplace harassment and violence.

All NoOs must be kept in a safe and secure location (Protected B).

Supervisors/CoC who are in receipt of any NoO must advise the WHVP CoE (WHVPCoE-PHVCE@forces.gc.ca) and provide their response within seven calendar days.

Criminal Acts

If the NoO describes allegations of offences under the Criminal Code of Canada, supervisors/CoC must report to the departmental security officer and deputy head, and to the relevant law enforcement organizations where appropriate.

Note: If there is an ongoing police investigation the resolution process should be put on hold until the police investigation is completed.

Acknowledgement and Receipt of NoO

Response to the PP

The supervisor/CoC or the DR, who received the NoO, are encouraged to respond to the PP as soon as possible. However, a letter acknowledging receipt (using the "[Response to PP Regarding a Notice of Occurrence Template](#)") must be sent to the PP within seven (7) calendar days after the supervisor/CoC or the DR is notified of an occurrence.

The supervisor/CoC or DR will contact the PP to:

- Confirm the NoO has been received, or inform them that a NoO was received from a witness;
- Inform the PP on how to access the organization's WHVP policy manual;
- Explain each step of the resolution process;
- Inform the PP that they may be supported by a person of their choice at any time during the resolution process; and
- Provide information on how to access support services.

Contacting the RP

The RP should only be contacted or notified of the NoO once the PP agrees. However, the RP must be contacted if the PP chooses to proceed with conciliation and/or an investigation. Some cases can be resolved at the negotiated resolution without the need to involve the RP.

If the PP agrees to meet with the RP, the supervisor/CoC must contact the RP using the [Response to a Responding Party Template](#) and:

- Inform them that they have been named or identified as the RP in the NoO;
- Inform them on how to access the organization's workplace harassment and violence prevention policy;
- Explain each step of the resolution process;
- Inform them that they may be accompanied by a person of their choice at any time during the resolution process; and
- Provide information on how to access support services.

Occurrences that Involve Persons Granted Access to the Workplace

Occurrences of harassment and violence in the workplace which involve individuals who are external to the Defence Team may be governed by the Regulations. This includes contractors, visitors, other federal public service employees from co-located departments or organizations.

It is the responsibility of the Defence Team to ensure that any individuals granted access to the workplace are aware of DND's WHVP policy and are further responsible for taking appropriate action to prevent or respond to occurrences of workplace harassment and violence.

Should a NoO be received that involves a non federally regulated employee, supervisors/CoC receiving the NoO shall contact the WHVP CoE by email at WHVPCoE-PHVCE@forces.gc.ca as this would trigger a review of a WHVP Workplace Assessment.

In cases where a Defence Team member is named as a RP by another federal department or agency, the administration of the occurrence will be done by the PP's department or agency, and the DR and supervisor/CoC would participate in the resolution process.

Step 3: Resolution Options

Negotiated Resolution

The negotiated resolution is an opportunity to have an informal, collaborative, and positive discussion to find resolutions between the supervisor/CoC and/or DR, PP, and RP (if applicable). Resolutions are tangible and reasonable measures that can be put into place to resolve and help prevent further occurrences. Examples of what is considered a negotiated resolution are in Annex F.

Joint Review

The PP and supervisor/CoC or DR will work together to jointly determine whether the occurrence falls under the definition of harassment and violence defined as: *“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”*. This also includes any negative behaviours based on the prohibited grounds of discrimination identified in the [Canadian Human Rights Act](#).

To assist in the interpretation of the definition of harassment and violence, please consult the [Harassment and Violence in the Workplace - Negative Behaviours Matrix](#).

- If both the supervisor/CoC and the PP agree that the occurrence does not fall within the definition of harassment and violence, then the occurrence will be deemed resolved. However, parties may continue to work together to find an informal resolution to address the situation.
- If the supervisor/CoC does not believe that the occurrence falls within the definition of harassment and violence but the PP disagrees and wishes to continue with the resolution process, the PP has the option of:
 - Continuing to work with the supervisor/CoC and making every reasonable effort to find a negotiated resolution;
 - Pursuing conciliation/ADR; and/or
 - Requesting a WHVP investigation
- If both the supervisor/CoC and the PP agree that the occurrence meets the definition, the parties may continue with the resolution process.

Note: Workplace harassment and violence is not to be confused with normal workplace conflict and differences of opinion. It is appropriate for a supervisor to take the following actions, as long as they act respectfully, professionally and in good faith:

- directly supervise employees, including setting out performance expectations and providing constructive feedback about work performance;
- take measures to correct performance deficiencies, such as placing an employee on a performance improvement plan;
- take reasonable disciplinary actions;
- assign work, and direct how and when it should be done;
- request updates or status reports; and
- request medical documents to support an absence from work.

Reasonable Effort

Efforts to resolve the occurrence must begin no later than 45 days after the day on which the NoO was provided. The Employer, PP and RP (if contacted) must make every reasonable effort to resolve an occurrence during the

negotiated resolution process, unless doing so would put the PP in further harm, danger, or further aggravate an injury.

Support Person

During the resolution process, the PP and RP have the right to be accompanied by a person of their choice for support (e.g. bargaining agent/union representative, friend/family, co-worker or other support person of their choice). The role of support person is to assist a party, but not to represent or make representations on behalf of any party. The support person may aid a party in administrative tasks, such as:

- Scheduling meetings or interviews; and
- Receiving updates on the status of the resolution process.

The parties will be required to personally provide the following during conciliation/alternative dispute resolution or the investigation:

- Information about the occurrence; and
- Respond to questions regarding the occurrence during negotiated resolution, conciliation/alternative dispute resolution and/or the WHVP investigation.

The support person may not be a party or a witness to the process and cannot support both the PP and RP.

Conciliation

Conciliation is a voluntary, informal, and confidential process where a neutral and qualified person (the practitioner) helps the parties find a satisfactory resolution. Conciliation of an occurrence of harassment and violence can only proceed if both the PP and RP agree to it and must also agree on who will facilitate the process. If the conciliation process is successful, the occurrence will be deemed resolved and the case will be closed. Conciliation can be done by means of Alternate Dispute Resolution (ADR), which is facilitated by qualified practitioners. This service is offered through the Conflict and Complaint Management Services within DGCSS.

Investigation

Initiating an Investigation

A PP may request a WHVP investigation at any time during the process but must also make every reasonable effort to resolve the matter through negotiated resolution. The supervisor/CoC or DR must contact the WHVP CoE if an investigation is required. The investigations conducted under this policy are preventive in nature. Investigators will focus on the root cause of the occurrence in the workplace and develop recommendations on how to prevent similar occurrences in the future. The outcome of the WHVP investigation cannot be used for any remedial or disciplinary measures. In cases that involve potential misconduct see “Discipline” under part VI of this manual.

Notice of Investigation

The supervisor/CoC or the DR will provide the PP and the RP with a written notice that an investigation will be carried out.

Selection of the Investigator

A jointly identified list of internal and external investigators is available through the WHVP CoE. Where possible, the PP will be offered a selection of qualified investigators from the list. The selection of an investigator should be agreed upon by the PP, the RP, and the supervisor/CoC or DR.

- If there is no agreement within 10 days after the Notice of Elected Investigator was received, an investigator from the identified list will be chosen by the WHVP CoE.
- If no internal investigator is available, due to conflict of interest or scheduling, a qualified investigator from the National Master Standing Offer (NMSO) or Canadian Centre for Occupational Health and Safety (CCOHS) list will be selected as required.

Conflict of Interest

The investigator will provide the WHVP CoE, the PP, and the RP with a written statement indicating that the investigator is not in a conflict of interest in respect of the occurrence being investigated. Should an investigator have a conflict of interest with any party to the occurrence, they must inform the WHVP CoE and the supervisor/CoC or DR prior to initiating the investigation.

Information for Investigator

The supervisor/CoC or DR, will provide the investigator with all information that is relevant to the investigation, such as, the nature of the occurrence, scope of the investigation, names and contact information of parties to be interviewed, work that has been done to date to resolve the occurrence, etc.

Investigation Report

The investigator's report must not reveal, directly or indirectly, the identity of persons who are involved in an occurrence or the resolution process for an occurrence under the Regulations (e.g. work locations, dates, division/group names). Reports are to contain no identifiable information that could possibly expose the identity of any of the parties or witnesses. The investigator's report will provide:

- a general description of the occurrence,
- conclusions regarding root causes and other circumstances in the workplace that contributed to the occurrence,
- recommendations to eliminate or minimize the risk of a similar occurrence; and
- a determination as to whether each occurrence meets/does not meet the definition of Workplace Harassment and Violence.

A copy of the investigator's report is provided to the Employer, PP, RP, the WHSC or Health and Safety Representative, and DR as required.

Note: If there is concurrent Negotiated Resolution and WHVP investigation, once the investigator has provided their report, the resolution process cannot be used to resolve the occurrence.

Implementation of Recommendations

The WHSC, or the Health and Safety Representative, must jointly determine with the Employer which recommendations set out from the WHVP investigator's report will be implemented. The WHSC will provide input on all matters relating to the harassment and violence prevention program, including periodic workplace assessments, prevention strategies, and recommendations in investigation reports.

Recommendations are aimed at preventing future occurrences, and parties are advised to keep this in mind when reviewing the report. If the Employer and the WHSC cannot agree on which prevention recommendations set out in the investigator report should be implemented, then it is the Employer's decision as to which prevention recommendations are appropriate to implement. However, in accordance with the Regulations, the Employer must document their decision, the reasons for that decision and retain it on file for 10 years. Please also refer to Part VII – Records for more detail.

Step 4: File Closure

The resolution process is deemed completed when the NoO is resolved either through negotiated resolution, conciliation, or if the NoO does not provide the identity of the PP. It is also deemed complete if the investigator has provided their report and management implements the recommendations, or if updates to the workplace assessment are carried out. When a NoO is deemed resolved, the file will be closed and a [Notice of Occurrence Closed](#) is sent to the PP. If the RP

participated in the resolution process, they shall also be notified when the occurrence is deemed resolved and the file is closed.

Part IV – Recourse

NoO Resolution and Investigation Process

If a party believes their employer or DR has failed to comply with the Code or Regulations when responding to a NoO, they should first contact their supervisor/manager/CoC or DR to resolve the issue. If the issue remains unresolved, they may contact the [Employment and Social Development Canada Labour Program for information on their recourse options](#).

Reprisal

Supervisors/CoC and Defence Team members must be aware that reprisal against a DND employee who has exercised their rights or duties under the WHVP policy or Code, is unacceptable and incompatible with the [DND and CF Code of Values and Ethics](#). More specifically, Section 147 of the Code, Part II prohibits employers from imposing, or threatening to impose, any punitive or disciplinary action against employees who have acted in accordance with the Code and the Regulations.

If a DND employee believes that a Defence Team member has violated this provision, the DND employee may notify the DR or appropriate human resources personnel. If this is not successful, under Section 133 of the Code, the DND employee may file a complaint with the [Federal Public Sector Labour Relations and Employment Board](#).

Grievances

Depending on the circumstances of an occurrence, DND employees may also seek recourse through the civilian grievance procedure under DAOD 5026-0, Civilian Grievances, which can be processed concurrently, or be put in abeyance. CAF members may likewise seek recourse under QR&O 7.8. Other recourse mechanisms can be found at the following link [Submit a complaint or report an incident \(mil.ca\)](#).

Part V – Family Violence, Emergency Procedures and Support Measures

Family Violence

Violence, no matter where it takes place, can impact all areas of someone's life – including their workplace.

Violence can occur in many forms, such as:

- family violence;
- gender-based violence; or
- intimate partner violence;

No matter how it is labelled, family violence can happen to people of all genders. It can happen in all racial, socio-economic, and religious backgrounds. It can exist in relationships regardless of sexual orientation.

Family violence can include:

- stalking;
- verbal abuse;
- use of property, children, or pets to threaten and intimidate;
- physical violence, sexual, emotional, and psychological intimidation;
- use of electronic devices to harass and control (technology-facilitated abuse); and
- economic abuse such as:
 - withholding or stealing money; or
 - stopping a partner from reporting to work.

Family violence may extend into the workplace where the aggressor uses emails, phone calls, text messages, stalking, or showing up to the workplace to question co-workers. This can affect the health and safety of those directly or indirectly involved, as well as employment. However, organizations can help to recognize, respond to and address the impacts of family violence.

DND has a responsibility under the Code to protect and prevent against all forms of harassment and violence, including family violence. In some circumstances, it may be impossible to prevent an occurrence of family violence from happening in a space not under the control of the Employer (e.g. the employee's home). DND must also ensure that family violence support resources are accessible to all Defence Team members, including information pertaining to Domestic Violence Leave requests.

If the incident occurred in the workplace (and meets the definition of an occurrence) DND must also follow the process laid out in this policy manual. Steps for Responding to Family Violence in the Workplace, including a safety plan template, can be found in the [Family Violence: Supervisor's Guide](#) available on WHVP website or by contacting the [WHVP CoE](#).

For unionized DND employees, supervisors/CoC are to consult the relevant collective agreement for any employee leave entitlements regarding family/domestic violence.

Emergency Procedures and Support Measures

Defence Team members who are affected by, or witness, an occurrence of harassment and violence in the workplace that poses an immediate threat to an individual's health and safety, should immediately call 911 emergency services, and/or the Military Police if the threat occurs on DND property. Employees should also inform their supervisor/CoC or another manager in the vicinity and refer to the already established local base/wing/unit emergency procedures. Further information regarding emergency procedures can be found at the following link: [Support services - Canada.ca](http://Supportservices-Canada.ca)

Emergency procedures and support measures related to workplace harassment and violence can be found on the WHVP Website under [Emergency Procedures and Support Services](#). They are available

to assist supervisors/CoC and employees/members to be prepared for, and respond to, emergencies related to workplace harassment and violence should they arise.

Employee Assistance Program

Defence Team members, and their immediate family members experiencing personal or professional issues affecting their mental health and well-being can get voluntary and confidential help and support through the Employee Assistance Program (EAP): [Health Canada – Employee Assistance Services](#) (EAS) for civilian employees, and [Canadian Forces Member Assistance Program](#) (CFMAP) for CAF members, Veterans, and their families to access free, confidential counseling, 24 hours a day, seven days a week at 1-800-268-7708 or TDD 1-800-567-5803 (hearing impaired).

Bargaining Agents

DND unionized employees may contact their respective bargaining agent (union representative) for information, advice, and support regarding any WPVP issue, occurrence or procedure.

Ombudsman

Defence Team members may contact the Ombudsman's Office, which provides a safe place to voluntarily raise and discuss options to address workplace issues and options for resolution.

Part VI - Other Considerations

Discipline

In cases that involve potential misconduct, if a supervisor/CoC becomes aware of behaviours or actions that contravene the [DND and CF Code of Values and Ethics](#) or any other applicable policy, administrative and/or disciplinary measures may be imposed under a separate, but parallel, process.

In cases that involve potential misconduct of a Defence Team member, the supervisor/CoC may address the matter through the applicable administrative process:

- In the case of a public service **DND employee**, they may refer to a Labour Relations Specialist (ADM HR Civ) and [DAOD 5016-0](#), Standards of Civilian Conduct and Discipline.
- In cases involving a **CAF member**, they may refer to the Administrative Response Centre (ARC), (CMP) and [DAOD 5019-0](#) Conduct and Performance Deficiencies.

Notices Submitted in Bad Faith

Defence Team members will not be subject to discipline as a result of reporting an incident of workplace violence and harassment in good faith. However, willfully making frivolous or vexatious allegations or retaliating against an employee for reporting an incident of workplace violence or harassment, as determined by ESDC, may result in disciplinary and/or administrative measures.

Privacy and Confidentiality

To encourage those who are victims or witness workplace harassment and violence to come forward, complaints relating to harassment and violence will be handled with utmost sensitivity and discretion. Trust and safety in the process is paramount.

Disclosure on Need-to-Know Basis Only

The disclosure of information about the occurrence must be in keeping with the *need-to-know principle*. That is, information must not be shared, or be accessible to others, unless it is required by their role in the process. The contents of the NoO, or a summary of the same, will not be shared with anyone except the supervisor/CoC or DR, WHVP CoE and the parties involved with the occurrence. Where applicable, the information will also be shared with the individual appointed to facilitate the conciliation/ADR process, and the investigator.

Furthermore, all parties involved in the resolution process are required to keep the information related to the occurrence and the resolution process confidential. All members of the Defence Team must respect and safeguard the dignity and privacy of people involved in violence and harassment situations by treating all information with discretion. Additionally, the PP, RP and witnesses involved in an occurrence are expected to refrain from sharing any information related to the occurrence or the resolution process with other individuals.

Rumours and Gossip

Malicious talk and gossip can aggravate a situation, cause further harm, and increase stress in the workplace. In accordance with the DND and CAF Code of Values and Ethics, all Defence Team members must show respect for others and not engage in idle talk and speculation around potential toxic situations in the workplace.

Legal Requirements

It is important to note that protecting the full privacy of affected persons or witnesses to an occurrence of harassment and violence may not always be possible due to legal obligations including those respecting access to information and privacy, and the natural justice and procedural fairness principles. The supervisor/CoC or DR will work closely with the parties to address the occurrence while ensuring that information about the NoO is not disclosed, unless permissible or required by law. All information relating to occurrences and the investigator report will be subject to the provisions of the *Privacy Act*, *DAOD 1002-0*, *Administration of the Privacy Act* and the *Access to Information Act* and will only be collected, used, disclosed, and retained in accordance with these Acts and Directive.

Part VII – Records

Records

Supervisors/CoC must ensure that records and reporting requirements of workplace harassment and violence are maintained in accordance with the Regulations and respect the privacy and confidentiality of those involved.

The following records must be kept for a period of 10 years:

- A copy of the documents that form part of the WHVP workplace assessment;
- A copy of the documents that form part of each review and update of the WHVP workplace assessment;
- A record of the Employer's decision in the matter and the reasons for that decision for instances where the Employer and NHSPC, the WHSC or Health and Safety Representatives are unable to agree on a matter that is required to be jointly done by them;
- A record of each NoO submitted to them and of each action taken in response to the NoO;
- For each instance where the one-year time limit is not met and a document that sets out the reasons for the delay;
- A copy of each report that is prepared by an investigator; and
- A copy of each fatality report.

All Notices of Occurrences as well as supporting documents must be kept in a safe and secure location (Protected B).

Annexes

Annex A: Definitions

Applicable partner

“Applicable partner” refers to the policy committee or, if there is no policy committee, the workplace committee or the health and safety representative.

- **Note** – For the purposes of the Workplace Harassment and Violence Prevention Regulations, the National Health and Safety Policy Committee in the DND and CAF acts as the “applicable partner” at the national level, and workplace health and safety committees act as the “applicable partner” for local assessments and programs as required.

Code

A reference to the “Code” is to read as a reference to the *Canada Labour Code (R.S.C., 1985, c. L-2)*

Defence Team

For the purposes of this Policy Manual, this includes Department of National Defence (DND) Public Service employees and Canadian Armed Forces (CAF) members.-

- It does not apply to Personnel Support Programs (PSP) or Non-Public Funds (NPF) employees

Designated Recipient

A neutral person designated to respond to notices of occurrences and facilitate the WHVP process as per the regulations and DND policy. **Note** – The DR for DND has been established within CPCC (DGCSS).

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. This also includes any negative behaviours based on the prohibited grounds of discrimination identified in the [Canadian Human Rights Act](#).

Level one (L1) organization

Means a senior official, either civilian or military, who has direct accountability to the Deputy Minister or the Chief of the Defence Staff (e.g. RCN, RCAF, ADM[HR-Civ], ADM[CIO]).

Notice of Occurrence

A complaint of an occurrence of harassment and violence in the workplace submitted verbally or in writing to the Supervisor/Chain of Command or to the Designated Recipient.

Occurrence

Means an occurrence of harassment and violence in the workplace. An occurrence could be an incident, conflict or issue causing a harm or an injury.

Practitioner

An Alternative Dispute Resolution (ADR) practitioner (a mediator) is a neutral and impartial third party who helps parties in a workplace conflict to come to a mutually acceptable solution to their problem. Conflict management practitioners help the members of the Defence Team manage conflict through a range of informal options: coaching, facilitation, mediation, small group intervention, outreach, and training.

Principal Party

Means an employee or employer who is the object of an occurrence.

Qualified investigator

A person having the knowledge, training and experience including:

- Having been trained in investigative techniques;
- Having knowledge, training and experience that are relevant to harassment and violence in the workplace; and
- Having knowledge of the Act, the Canadian Human Rights Act and any other legislation that is relevant to harassment and violence in the workplace.

Regulations

A reference to the “Regulations” is to be read as reference to the *Workplace Harassment and Violence Prevention Regulations: SOR/2020-130*.

Responding Party

Means the person who is alleged to have been responsible for the occurrence in the notice of an occurrence form.

Support person

Means the individual chosen by either the PP or RP to provide support during the resolution process.

Witness

Means a person who witnessed an occurrence or is informed of an occurrence by the PP or RP. A witness cannot be a support person to either party.

Workplace

Means any place where an employee or person is engaged in work for the employer.

- **Notes** – Work by a Defence Team member includes, but is not limited to:
 - Telework or remote work to the extent that the activities of the DND employee are controlled by the DND or the CAF;
 - Instruction, training or information sessions approved by the DND or the CAF;
 - Attendance at events, including social events, approved by the DND or the CAF;
 - Attendance at meetings and conferences approved by the DND or the CAF;
 - Travel status to the extent that activities are controlled by the DND or the CAF; and
 - Use of communication technology, including social media platforms, with a connection to the workplace or employment conditions (Defence Terminology Bank record number 695683).

Workplace assessment

Identification of risk factors, internal or external to the workplace, that contribute to harassment and violence, and the development and implementation of preventive measures jointly developed by the supervisor/manager/CoC and WHSC..

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.

Annex B: Abbreviations

- ARC – Administrative Response Centre
- CAF – Canadian Armed Forces
- CoC – Chain of Command
- Code – Canada Labour Code Part II
- CoE – Center of Expertise
- CMP – Chief Military Personnel
- CPCC – Chief Professional Conduct and Culture
- DAOD – Defence Administrative Order and Directive
- DGCSS – Director General Conflict Solutions and Services
- DND – Department of National Defence
- DR – Designated Recipient
- ESDC – Employment and Social Development Canada
- NHSPC – National Health and Safety Policy Committee
- NoO – Notice of Occurrence
- PP – Principal Party
- RP – Responding Party
- WHSC – Workplace Health and Safety Committee
- WHVP – Workplace Harassment and Violence Prevention

Annex C: References

Acts, Regulations, Central Agency Policies and Policy DAOD

- [TBS Directive on the Prevention and Resolution of Workplace Harassment and Violence](#)
- [Access to Information Act](#)
- [Canadian Human Rights Act and Regulations](#)
- [Criminal Code](#)
- [Canadian Human Rights Act and Regulations](#)
- [Canada Labour Code, Part II, Occupational Health and Safety](#)
- [Canadian Occupational Health and Safety Regulations](#)
- [Privacy Act](#)
- [Public Service Employment Act](#)
- [Work Place Harassment and Violence Prevention Regulations](#)
- [Work Place Harassment and Violence Prevention \(HVP\) - 943-1-IPG-104](#)
- [Framework for the Management of Compliance, Treasury Board](#)
- [Values and Ethics Code for the Public Sector](#)
- [National Joint Council Occupational Health and Safety Directive](#)
- [DAOD 1001-0, Access to Information](#)
- [DAOD 2007-0, Safety](#)
- [DAOD 5012-0, Harassment Prevention and Resolution](#)
- [DAOD 5014-0, Workplace Harassment and Violence Prevention](#)
- [DAOD 5016-0, Standards of Civilian Conduct and Discipline](#)
- [DAOD 5019-0, Conduct and Performance Deficiencies](#)
- [DAOD 5026-0, Civilian Grievances](#)
- [DAOD 5046-0, Alternate Dispute Resolution](#)
- [DAOD 5516-0, Human Rights](#)
- [QR&O 7.8 – Submission of a Grievance](#)
- [A-PM-007-000/FP-001, Harassment Prevention and Resolution Instructions](#)

Other References and Links

- [DAOD 2008-8, Official use of social media](#)
- [DAOD 5005-3, Employee Assistance Program](#)
- [DAOD 5019-1, Personal Relationships and Fraternalization](#)
- [DAOD 5047-1, Office of the Ombudsman](#)
- [DAOD 7023-0, Defence Ethics](#)
- [DAOD 7023-1, Defence Ethics Programme](#)
- [DND and CF Code of Values and Ethics](#)
- [WHVP Website](#)
 - [WHVP Assessment Guide](#)
 - [Notice of Occurrence Template](#)
 - [Employer Communication Forms and Templates](#)
 - [Promotion Material](#)
- [TBS Collective Agreements](#)

Annex D: Identified Risk Factors

Workplace Harassment and Violence Identified Risk factors (as approved by the NHSPC) are broken down into three categories (see [WHVP Assessment guide](#) for examples of each of these risk factors):

- **Organizational** factors include social norms, the unwritten rules of beliefs, attitudes, and behaviors that are considered acceptable in a particular group or culture, and organizational functioning, the core process or set of activities carried out within a department or area;
 - Contest culture;
 - Racist, sexist, homophobic, ableist, or crude humor and/or remarks or other discriminatory comments or behaviours are common or tolerated;
 - Lack of understanding and training in harassment and violence and prevention;
 - Periods of performance appraisal and performance management/agreements;
 - Periods of organizational change;
 - Perception of job instability/lack of security;
 - Tolerance or encouragement of substance abuse and/or addictive behaviour; and
 - Lack of accountability around training participation.
- **Environmental** factors include the physical workplace and work location, the type of work that is performed and the dynamic of the workforce itself; and
 - Work areas with crowding, poor ventilation, noise control, and lighting;
 - Working alone, at isolated or decentralized workstations or locations and mobile workstations;
 - Handling money/valuables/attractive items;
 - Working with the public and third parties (clients, contractors, subcontractors); and
 - Working with unstable or volatile person(s).
- **Individual** factors are how individuals interact with others in the work environment;
 - Conflict with others and
 - Domestic Violence.

Annex E: Training

Defence Team members are required to complete the following mandatory training (available through GC Campus) within the first 3 months of employment and at least once every three years:

- [Preventing Harassment and Violence Prevention in the Workplace for Employees \(WMT101\)](#)

DND and CAF supervisors/CoC, Workplace Health and Safety Committee members, and Health and Safety representatives (note: WMT101 is a prerequisite):

- [Preventing Harassment and Violence in the Workplace for Managers and Health and Safety Committees \(WMT102\)](#)

Designated Recipients and Harassment and Violence Specialists:

- [Preventing Harassment and Violence in the Workplace for Designated Recipients \(WMT103\)](#)

Note: CAF members have access to register for GC Campus. For CAF members with questions or concerns accessing the course through GC Campus, please contact CAF.RegistrationRequiredTraining@forces.gc.ca

Annex F: Negotiated Resolution

The negotiated resolution is an opportunity to have an informal, collaborative and positive discussion to find resolutions between the supervisor/CoC and/or the DR, the PP and the RP, if applicable. Resolutions are tangible and reasonable measures that can be put into place to resolve and help prevent further occurrences.

What is Negotiated Resolution:	What is not Negotiated Resolution:
<ul style="list-style-type: none"> • An opportunity to share harassment and or violence experience and impact 	<ul style="list-style-type: none"> • An opportunity to accuse, confront or discipline
<ul style="list-style-type: none"> • An opportunity to share tangible measures that can be implemented to resolve and prevent further occurrences. 	<ul style="list-style-type: none"> • An opportunity to make a request that does not fall in line with responding or preventing the occurrence.
* see resolution options	* see resolution options
<ul style="list-style-type: none"> • An opportunity to negotiate a resolution in a unified way 	<ul style="list-style-type: none"> • An opportunity to make orders through confrontation
<ul style="list-style-type: none"> • An opportunity to respond and prevent harassment and violence in the workplace 	<ul style="list-style-type: none"> • An opportunity to resolve other issues. Ex: classification issues, collective agreement, letter of expectations, performance management, etc.
<ul style="list-style-type: none"> • An opportunity to restore and mend the relationship between parties involved 	<ul style="list-style-type: none"> • An opportunity to make unreasonable requests