

# **POLICY ON THE PREVENTION AND RESOLUTION OF WORK PLACE HARASSMENT AND VIOLENCE**

Human Resources  
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# BACKGROUND

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Bill C-65, an Act to amend the *Canada Labour Code* (harassment and violence) modified the framework under the *Canada Labour Code* (the Code), Part II, for the prevention of harassment and violence, including sexual harassment and sexual violence, in work places under federal jurisdiction.

The framework established by Bill C-65 has three main pillars:

- 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.

In accordance with the *Canada Labour Code* (the Code), Part II - Occupational Health and Safety, federally regulated employers, including the public service, must protect the health and safety of their employees. At the NFB, this falls under the responsibility of the Government Film Commissioner as the employer.

The *Work Place Harassment and Violence Prevention Regulations* (the Regulations) under the Code, stipulate that an employer and the applicable partner must jointly develop a work place harassment and violence prevention policy and that policy must contain elements outlined in Section 10(2) of the Regulations.

## 1.0 EFFECTIVE DATE

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This policy takes effect on January 15, 2024. It replaces the *Policy on the prevention and resolution of work place harassment and violence* (January 24, 2022).

In accordance with the *Work Place Harassment and Violence Prevention Regulations* (the Regulations), this policy has been jointly developed with the NFB's Policy Health and Safety Committee.

## 2.0 APPLICATION

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This policy applies to all persons employed by the National Film Board<sup>1</sup> as defined in section 4.0 (including managers and directors).

This policy also applies, with the necessary adaptations<sup>2</sup>, to independent contractors as defined in section 4.0.

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<sup>1</sup> The policy also applies to former employees for any incident of harassment or violence in the work place should the NFB become aware of the incident within three months of the termination date of any former employee.

<sup>2</sup> For example, the provisions of the policy dealing with preventive measures (including training), health and safety committees and representatives, and the employee assistance program do not apply to independent contractors.

When an employee files a notice of harassment or violence occurrence against an independent contractor, managers<sup>3</sup> and the designated recipient shall follow the resolution process set out in section 8.0 of this policy to the fullest extent possible.

In the event of a notice of harassment or violence occurrence filed by an independent contractor, managers and the designated recipient shall follow the resolution process set out in section 8.0 of this policy with necessary adaptations and in accordance with the spirit of the policy.

For clarity, in the event of a notice of occurrence, the NFB will solely cover the costs related to the formal and informal resolution of alleged incidents (conciliator or investigator fees, where applicable) provided for in section 8.0 of this policy, regardless of whether the notice of occurrence is filed by an employee or an independent contractor.

The NFB firmly believes that everyone has the right to enjoy a work environment free of harassment and violence of any kind. Under no circumstances, will the NFB tolerate any harassment or violence between employees, or towards its employees, employment-related or otherwise, in the course of providing services to our clients. As such, the policy regulates relations and interactions among all employees as well as between all NFB employees and clients, artists and other independent contractors (freelancers), suppliers and visitors.

This policy applies in all contexts where NFB employees carry out their professional duties, including:

- while working remotely/from home;
- meetings held outside NFB facilities;
- while on work-related travel;
- at a conference where the attendance is sponsored by the employer;
- at employer sponsored training activities/information sessions;
- at employer sponsored events, including social events; and
- when using communication technologies when there is a connection to the work place or employment conditions (email, social networks, etc.).

## **3.0 MISSION STATEMENT**

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The National Film Board is committed to providing a safe, healthy and respectful work place, free from harassment and violence. This policy aims to prevent work place harassment and violence from happening, respond to situations in which harassment or violence have occurred, and, importantly, support victims of harassment and violence.

When allowed to persist, harassment and violence may have adverse effects on the mental health and engagement of employees as well as the quality of their work. In a complex and demanding work environment that brings together diverse people where collaboration is essential to success, misunderstandings and interpersonal conflicts are inevitable. The organizational culture has an influence on how colleagues interact with one another and should therefore promote the awareness and practice of effective communication and interpersonal skills. The ongoing effort to demonstrate respect and civility is everyone's personal responsibility.

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<sup>3</sup> In the case of independent contractors, "the manager" is the person in authority under the signed contract (e.g., the producer) or the NFB's designated representative, depending on the contract.

Occurrences of work place harassment and violence will be resolved by means of identifying what measures can be put in place to prevent a recurrence.

### 3.1 Personal Remedies

There are no personal remedy or redress options under this policy (refer to Appendix B for available recourse options). However, outside of this policy, NFB representatives may exercise their authority to address certain detrimental impacts that a principal party may establish as resulting from founded occurrences of harassment and violence, including reprisals (e.g. use of sick leave). Should the NFB determine that disciplinary measures may be warranted, these will be addressed outside of this policy.

No employee can be penalized, reprimanded or in any way criticized when acting in good faith while following this policy and the supporting procedures for addressing situations involving harassment and violence. This policy does not prevent an employee from exercising their rights under the Code or any other legislation.

## 4.0 DEFINITIONS

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**Applicable Partner** (*partenaire concerné*): a reference to the “applicable partner” is to be read as a reference to the NFB’s Policy Health and Safety Committee.

**Designated Recipient** (*destinataire désigné*) - a work unit in a work place or person that is designated by an employer under section 14 of the *Work Place Harassment and Violence Prevention Regulations*, to which occurrences will be reported and that is responsible for an initial review of the occurrence. At the NFB, the designated recipient is the Labour Relations sector (Arlette Boghoskhan and Cynthia Miller).

**Employee** (*employé ou employée*): for the purposes of this policy, “employee” refers to full- or part-time workers, whether their status is continuous, casual for more than three months, casual for less than three months, intern or student.

**Harassment and Violence** (*harcèlement et 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.”<sup>4</sup> A single action, conduct or comment to constitute harassment and violence. Refer to Appendix A for examples of work place harassment and violence behaviours.

**Independent Contractor** (*entrepreneur indépendant*) - for the purposes of this policy, “independent contractor” means a person who is not an employee of the NFB and whose personal services contract or scale agreement with the NFB provides, in the contract or scale agreement, that they are subject to this policy.

**Occurrence** (*incident*) - an occurrence of harassment and violence in the work place.

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<sup>4</sup> Canada Labour Code, Part II, paragraph 122 (1)

**Principal Party** (*partie principale*) - an employee or employer who is the object of an occurrence. This person is the one who has concerns or feels they are the target or victim of the action, conduct or comment from another person.

**Responding Party** (*partie intimée*) - the person who is alleged to have been responsible for the occurrence in the notice of an occurrence provided under subsection 15(1) of the *Work Place Harassment and Violence Prevention Regulations*.

**Witness** (*témoin*) - a person who witnessed an occurrence or is informed of an occurrence by the principal party or responding party.

**Work Place** (*lieu de travail*) - any place where an employee is engaged in work for their employer. This is not limited to the building and facilities provided by their employer; it can include public spaces, third-party premises, or the employee's residence if the employer has allowed them to work-from-home.

## 5.0 ROLES AND RESPONSIBILITIES

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The ultimate responsibility and authority for applying this policy rests with the Government Film Commissioner. However, every employee within the organization has a role to play to prevent work place harassment and violence.

### 5.1 The National Film Board (the Employer)

Under this policy, the responsibilities of the employer – including supervisors, managers, directors, leaders/executives, or anyone else who has responsibility fulfilling the employer duties under the Regulations – include, but are not limited to:

- a) preventing occurrences of harassment and violence and promoting a harassment and violence free work place;
- b) ensuring that all employees are aware of this policy and their responsibilities outlined herein and that the policy is readily available;
- c) providing training, jointly developed or identified with the Policy Health and Safety Committee, specific to the culture, conditions and activities of the work place as it relates to work place harassment and violence;
- d) carrying out a work place assessment consisting of the identification of hazards and risks related to harassment and violence in the work place, jointly with the Policy Health and Safety Committee;
- e) implementing preventive measures to eliminate or minimize the risks related to work place harassment and violence, jointly with the Policy Health and Safety Committee and continual monitoring of the effectiveness of those preventative measures;
- f) responding to and resolving all work place harassment and violence occurrences including addressing issues and behaviours which may not yet meet the threshold of violence and harassment;
- g) supporting employees affected by work place harassment and violence;
- h) designating a person or unit, as a designated recipient to whom notification of a harassment and violence occurrence may be given; and

- i) maintaining records relating to harassment and violence prevention and resolution of occurrences and ensuring reporting requirements are fulfilled.

## **5.2 Designated Recipient**

Under this policy, the Labour Relations sector will act as the designated recipient. The role of the Labour Relations sector in relation to harassment and violence prevention at the NFB includes:

- a) responding to all notices of an occurrence within 7 days of receiving the notice;
- b) initiating negotiated resolution with the principal party within 45 days after the day on which the notice of an occurrence is received;
- c) reviewing every notice of an occurrence with the principal party against the definition of harassment and violence outlined in subsection 122(1) of the Code;
- d) making every reasonable effort to resolve an occurrence for which a notice has been provided;
- e) allowing the principal and responding parties the option of participating in conciliation if they both agree to participate and on who will facilitate the conciliation;
- f) providing notice of an investigation to the principal and responding parties if the principal party requests an investigation;
- g) in the case of an investigation, selecting a person to act as an investigator from the list of investigators developed jointly by NFB and the Policy Health and Safety Committee;
- h) ensuring selected investigators have the necessary knowledge, training and experience required by the Regulations;
- i) ensuring investigators provide a written statement indicating they are not in a conflict of interest with respect to the occurrence;
- j) providing investigators all the information that is relevant to their investigation; and
- k) providing monthly status updates to the principal and responding parties on the status of the resolution process.

## **5.3 Employees**

Under this policy, the employees' responsibilities include, but are not limited to:

- a) treating everyone at the work place with respect and adhering to the expected behaviours found in the Values and Ethics Code for the Public Sector and in the NFB's Values and Ethics Code;
- b) reporting occurrences of work place harassment and violence, experienced or observed, to their manager or to the designated recipient;
- c) reporting risk factors that may contribute to work place harassment and violence to the employer;
- d) co-operating in the resolution of work place harassment and violence occurrences; and
- e) attending training as defined in this policy.

## **5.4 Union Representatives**

Under this policy, the unions' responsibilities include, but are not limited to:

- a) providing advice and support to witnesses and employees experiencing work place harassment and violence;
- b) providing advice to responding parties; and

- c) participating in the joint development of this policy as well as the joint development or identification of training.

Union representatives are listed [here](#).

### **5.5 Policy Health and Safety Committee**

Under this policy, the joint responsibilities of the Policy Health and Safety Committee with the employer include:

- a) updating this policy as required;
- b) carrying out a work place assessment to identify risk factors relating to work place harassment and violence;
- c) developing a qualified list of investigators;
- d) reviewing and updating the work place assessment every three (3) years, or earlier if required;
- e) developing or identifying training on work place harassment and violence and reviewing it at least once every three (3) years; and
- f) reviewing all summary reports of an investigation made under this policy and, with the employer, determining which recommendations are to be implemented.

Policy Health and Safety Committee members are listed [here](#).

### **5.6 Work Place Committee and Health and Safety Representative**

The role of the work place committee in relation to harassment and violence prevention at the NFB includes:

- a) implementing the preventive measures developed by the Policy Health and Safety Committee at the local work place level;
- b) jointly reviewing and updating with the NFB the work place assessment:
  - o in situations where the principal party chooses to end the resolution process but the occurrence is not resolved, or
  - o in situations where the responding party is not an employee or the employer (for example, clients, contractors, former partners)
- c) referring the results of the above reviews and updates to the Policy Health and Safety Committee where appropriate; and
- d) jointly determining with the NFB which of the investigator's recommendations from the investigator's report are appropriate to implement

Work Place Committee members and Health and Safety Representatives are listed [here](#).



## 6.0 PREVENTION

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The NFB firmly believes that prevention is the key to eradicating harassment and violence in the work place. To this end, we are committed to implementing the following prevention strategies:

- a) Conduct a risk factor analysis in collaboration with the Policy Health and Safety Committee;
- b) Implement preventive measures following this analysis;
- c) Provide employees with appropriate training; and
- d) Make sure information on medical, psychological, or other support services are easily available.

### 6.1 Work Place Assessment

Identifying and assessing the factors that may contribute to work place harassment and violence and developing and implementing preventive measures are important steps to preventing work place harassment and violence from occurring. This exercise is carried out jointly by the NFB and the Policy Health and Safety Committee, and takes into account:

- a) The culture, conditions, work place activities, and its organizational structure;
- b) Circumstances external to the work place, such as domestic violence, that could lead to an increase in harassment and violence on the job;
- c) Any reports, records, and data already compiled in relation to harassment and violence in the work place;
- d) The physical design of the work place; and
- e) The measures in place to protect psychological health and safety on the job.

These risk factors are updated:

- At least every three years
- When there is any change to the identified risk factors
- When there is a change that compromises the effectiveness of the preventive measures in place
- Whenever necessary after a report or a formal complaint has been made
- As recommended in an investigation report
- When a report or complaint is filed, and the person involved is not a NFB employee
- When a formal complaint is not resolved, and the complainant terminates the resolution process

Assessing risk factors is an ongoing exercise. All currently identified risk factors are listed [in this evolving document](#).

### 6.2 Development and Implementation of Preventative Measures

Within six months of the completion of the risk factor analysis, the NFB, in collaboration with the Policy Health and Safety Committee, will ensure that:

- a) Preventive measures are developed far as possible:
  - (i) To mitigate the risk of harassment and violence in the work place
  - (ii) To not create or increase any risk factors

- b) Preventive measure implementation plan is developed; and
- c) Preventive measures are implemented in accordance with the implementation plan.

### **6.3 Training**

Employee awareness is critical to preventing work place harassment and violence. As such, training and education is an important risk-control measure that will improve the ability of employees at all levels to communicate effectively in difficult and stressful situations, defuse and manage situations where there is potential for work place harassment or violence, and deal effectively with abusive and violent incidents, including their aftermath.

The NFB and the Policy Health and Safety Committee must jointly develop or identify the training on work place harassment and violence that is to be provided to: employees; the employer; and the designated recipient.

The NFB will provide all its employees training on harassment and violence prevention. This course will cover:

- a) elements of the work place harassment and violence prevention policy;
- b) a description of the relationship between work place harassment and violence and the prohibited grounds of discrimination under the *Canadian Human Rights Act*; and
- c) how to recognize, minimize and prevention work place harassment and violence.

All new employees will receive training within three months after the day on which employment begins. Further, all employees will receive this training again once every three years.

The following outlines the training curriculum that has been jointly developed or identified between the NFB and the Policy Health and Safety Committee for the purpose of providing information, instruction and training on the prevention and resolution of work place harassment and violence.

- *Harassment and Violence Prevention for Employees (W101) offered by the Canada School of Public Service*
- Any other related training developed for NFB staff based on specific needs.

## **7.0 EMERGENCY PROCEDURES**

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If a harassment and violence occurrence poses an immediate danger to the health and safety of an employee, or if there is a threat of such an occurrence, employees must first protect themselves from the danger, for example, by leaving the premises or moving away from the aggressive person, or by taking shelter.

Wherever possible, employees should warn coworkers if they are also in imminent danger.

Once employees are safe, it is their responsibility to call 911 (police, fire and ambulance) and notify their manager or the chief security officer at 514-824-9035 as soon as possible.

All employees are required to be familiar with the emergency procedures. Below is a summary of the emergency procedures for various types of situations. Also refer to the emergency plans specific to your building.

## **7.1 Violence in the work place**

If you witness or experience violence at work:

- Remove yourself from the situation if you can.
- Inform your manager or seek help from a co-worker immediately.
- If your manager is the perpetrator, notify another manager in the line of authority.
- If your physical security or well-being is threatened, if possible call 911 and/or contact the on-duty guard or chief security officer (514-824-9035).
- Contact the chief security officer as soon as you are able to do so.

If you are dealing with a violent person:

- Stay calm.
- Try to calm the other person or diffuse the situation (if you can).
- Avoid saying or doing anything that could aggravate the situation.
- Avoid eye contact or sudden movements that can be perceived as threatening.
- Respect the person's personal space.
- Continue the conversation with the person only if the person calms down.
- Tell the person that you understand the reason for their anger.
- If the behavior persists, end the conversation.
- Politely notify the person that you will leave the work area or ask them to do so.
- Notify your manager or seek help from a co-worker immediately.
- If the person refuses to leave the premises and the situation escalates call 911 and/or the on-duty guard and contact the chief security officer.

## **7.2 Active shooter**

You may never encounter an armed intruder in a Government of Canada facility. Even so, it could happen—either here or elsewhere. If faced with an armed intruder incident, there are THREE things you can do that can help make a difference: RUN, HIDE, or DEFEND.

RUN if there is an armed intruder in your workplace:

- If you have distance between you and the assailant or you have the chance to escape, RUN (get out)! This is your best option.
- Drop everything and leave — even if others refuse to follow.
- Do NOT attempt to move or care for the wounded.
- Tell others about the threat on your way out.
- If you encounter authorities, do exactly what they say.
- Call 911 when it is safe to do so.

HIDE if evacuation from your workplace is not safe:

- If you are closer to the intruder and your exit is too dangerous, find a place to HIDE.
- Look for a place to hide that conceals you and protects you from gunfire.

- If you are in a room, close and lock the door or use furniture and other heavy objects to barricade a door that doesn't lock.
- Turn off the lights and cover the windows.
- Turn off your phone unless you are calling 911 and don't assume someone else will make the call.
- Remain silent and wait for first responders.
- If there is more than one person in the room, do not huddle together.
- Do not open the door for ANYONE, even if they say they are the police.
- Wait for police to gain access to your room.
- Let them know if you are injured and remember to keep your hands high, remain calm and follow instructions.

DEFEND if your life is in danger:

- At some point, as a last resort, it may be necessary to DEFEND yourself by confronting the armed intruder.
- If you choose to defend yourself, be DECISIVE and AGGRESSIVE.
- Be prepared both mentally and physically.
- Do whatever is necessary to stop the armed intruder.
- Use any objects such as chairs, a fire extinguisher, books or anything else that you can find to attack and stop the intruder.
- Physically attack, yell, throw things or use improvised weapons from your pocket or bag.
- Once the armed intruder is incapacitated, call 911.

When police arrives :

- Do exactly what they say.
- Keep your hands visible at all times, remain calm and do not point, yell or make sudden movements.
- Provide as much information as possible to first responders if they ask.
- The first officers on the scene will not try to help the wounded.
- Rest assured that if police are on the scene, medical help is not far behind.
- The area is a crime scene. Police may shout orders or push you to the ground for your safety.
- You could even be temporarily handcuffed until identified and questioned.

### **7.3 Bomb threat**

If you are made aware of a bomb threat by telephone:

- Listen to the caller calmly and do not interrupt them.
- Try to get as much information as possible, such as:
  - when the bomb is supposed to explode;
  - where the bomb is located;
  - description of the device;
  - reason for the call or motivation for the threat; and
  - telephone number on the display screen (if possible).
- Remember any details you can about the caller, such as: approximate age, gender, accent, level of nervousness, and any background noise.

- Call 911 and follow the instructions of the first responders.
- Inform the on-duty guard, your manager and the chief security officer at 514-824-9035. Remain available to provide information to first responders.

If you are made aware of a bomb threat by e-mail:

- Save the email (or letter).
- Send it immediately to the chief security officer.

If a bomb alert is activated (for example, over intercom):

- visually inspect your immediate work area including: wastepaper baskets, storage areas, dislodged suspended ceiling panels, furniture that has been moved, closets
- inform your manager of the results of your search
- if you find a suspicious package, do not touch it and inform your manager.
- do not evacuate the building until the security services authorize you to do so.

## 8.0 RESOLUTION PROCESS

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Occurrences of work place harassment or violence must be resolved promptly, using sensitivity, competence, and discretion.

### Representation

Employees who feel they are being harassed or are victims of violence, or who are witnesses of work place harassment and violence are encouraged to seek the advice and support of their union representative, where applicable.

At any time during the resolution process, an employee may be accompanied or represented by a union representative, family member, friend, partner, colleague, or person of their choosing.

### 8.1 Informal Resolution

Informal resolution is a voluntary and collaborative problem-solving approach such as face-to-face conversation, conflict coaching, or facilitated discussion or mediation that has the advantage of addressing the parties' needs, concerns, and mutual interests.

#### 8.1.1 Informing the Responding Party

The primary goal is to resolve incidents of harassment or violence as informally as possible, with minimal disruption to the parties involved and to the work place.

Whenever possible, employees who feel they are being harassed or are victims of violence (i.e., principal parties) should first tell the responding party that their behaviour is inappropriate and that they must stop it immediately. They should also note the date and details of any incidents and the steps they have taken to try to resolve the situation.

### **8.1.2 Notifying the manager or the designated recipient**

If communicating directly with the responding party is not an option, if direct communication is not sufficient, or if the unwanted behaviour continues, employees should report the situation to their manager in order to identify the problem behaviour and the means required to stop it or to intervene with the responding party. In the event that the employee's manager is the cause, the employee should refer to the manager's supervisor.

At any time, employees can also contact the designated recipient (see Appendix C), who will:

- Ask for details about the incident or incidents
- Explain and make sure that the employee understands the policy and the procedure to be followed.
- Reassure the employee that they should not worry about any embarrassment or reprisal
- If the employee consents, try approaching the responding party to resolve the situation and encourage an early resolution of any problems through coaching, mentoring, and mediation
- Initiate a disciplinary investigation process if necessary.

## **8.2 Formal Resolution**

If an informal resolution of any problems is unsuccessful or proves to be inappropriate, employees are encouraged to proceed with the formal resolution process, outlined below.

### **8.2.1. Providing Notice of Occurrence of Work Place Harassment and Violence**

Employees subjected to harassment or violence or who witness someone being subjected to harassment or violence are encouraged to notify their manager or the designated recipient (see Appendix C) as soon as possible, either verbally or in writing.

A notice of occurrence is to contain:

- a) the name of the principal party and the responding party, if known;
- b) the date of the occurrence; and
- c) a detailed description of the occurrence.

#### **8.2.1.1 Anonymous Notification**

Witnesses may choose to provide an anonymous notification of work place harassment and violence occurrence. The content of the notice must contain the elements outlined in 8.2.1.

In instances where the notification is provided and the principal party of the occurrence of harassment or violence chooses to remain anonymous or does not wish to proceed with the resolution process, the employer and the Policy Health and Safety Committee will conduct a review of the work place assessment.

#### **8.2.1.2 Reprisals**

Management and employees must be aware that reprisal against an employee who has exercised rights or duties under this policy, or under the enabling legislation, is unacceptable and incompatible with the standards of civility and respect in the federal public service. More

specifically, under section 147, the Code prohibits discipline against an employee who has participated in the process outlined in this policy.

Any form of reprisal may be subject to the same investigative procedures as notifications of harassment and violence. Further, an administrative investigation could be initiated and may give rise to other measures, up to and including disciplinary action.

### **8.2.1.3 Principal party's choices**

The principal party may end the resolution process at any time by informing the designated recipient that they choose not to continue with the process.

## **8.2.2 Initial Review**

Upon receipt of the notice, the designated recipient conducts an initial review to ensure it contains all information required for processing the notice.

Following the initial review, the occurrence is deemed to be resolved if the notice does not contain the name of the principal party or otherwise allow their identity to be determined.

### **8.2.2.1 Contact with principal party**

Within seven (7) consecutive days after the day on which the employer or the designated recipient is notified of an occurrence, the designated recipient contacts the principal party to:

- a) confirm that the notification has been received or inform them that a notification was received from a witness (address urgent situations immediately (e.g. imminent danger));
- b) inform the principal party or the witness, as the case may be, of how to access this policy;
- c) explain each step of the resolution process; and
- d) inform the principal party or the witness, as the case may be, that they may be accompanied by a person of their choice at any time during the resolution process.

### **8.2.2.2 Contact with responding party**

If, after analysis, the notice is deemed admissible, the designated recipient will contact the responding party in a timely manner and:

- a) inform them that they have been named or identified as the responding party in the notice of an occurrence;
- b) inform them on how to access this policy;
- c) explain each step of the resolution process;
- d) inform them that they may be accompanied by a person of their choice at any time during the resolution process; and
- e) provide information on how to access support services.

## **8.2.3 Negotiated Resolution**

The NFB, the principal party and, if contacted, the responding party, must make every reasonable effort to resolve an occurrence for which a notice of occurrence was provided.

The reasonable effort includes a review by the principal party and an external investigator mandated by the designated recipient to determine whether the notice of occurrence describes an action, conduct or comment that constitutes harassment and violence as defined in subsection 122(1) of the Canada Labour Code, Part II. The principal party and external investigator discuss the occurrence, clarify the information that was submitted in the notice of an occurrence, and attempt to reach resolution.

The efforts to negotiate a resolution must begin no later than 45 days after the day on which that notice is provided. Pressure cannot be applied to participants to resolve an occurrence.

If resolution is not achieved, the principal party may choose to proceed with conciliation or an investigation.

#### **8.2.4 Conciliation**

The principal party and the responding party may attempt to resolve an occurrence for which notice is provided by conciliation if they agree to it and on a person to facilitate it. Conciliation is an informal, confidential process where a neutral person (the conciliator) helps the parties find a satisfactory resolution. The conciliator should be a person who is neutral and impartial, does not represent either party, and makes sure there is fairness and balance when having discussions between the two parties. The conciliator may meet with both the parties individually and together.

In cases of sexual harassment, sexual assault and/or sexual violence, consideration should be given as to whether conciliation is an appropriate mechanism for resolution.

If conciliation cannot proceed or if it is unsuccessful, and the principal party chooses to proceed with the resolution process, the notification of occurrence will be investigated.

If the occurrence is also investigated, it cannot be resolved by conciliation after the investigator has provided their report.

#### **8.2.5 Investigation**

Where no resolution is found through negotiated resolution or conciliation, and when requested to do so by a principal party, an investigation will be undertaken.

The investigator verifies the alleged facts by meeting with the principal party, the responding party, and any person who might have witnessed the alleged facts or is deemed relevant to the investigation. The investigator also verifies the relevance of any other evidence (documents, emails, text messages, etc.) presented by the parties during the investigation.

The investigation is conducted by a person who:

- is trained in investigative techniques
- has the knowledge, training and experience related to harassment and violence in the work place
- has knowledge of the *Canada Labour Code, Part II*, the *Canadian Human Rights Act*, and other relevant legislation
- has no conflict of interest in the occurrence



### **8.2.5.1 Notice of Investigation**

The designated recipient will provide the principal party and the responding party with notice that an investigation will be carried out.

### **8.2.5.2 Selection of investigator**

The designated recipient, the principal party and the responding party select the person who is to act as the investigator:

- a) from the jointly established list of investigators, in the case where the employer and the applicable partner have jointly developed or identified a list of persons who may act as an investigator, or in any other case,
- b) a person that is agreed to by the employer or designated recipient, the principal party and the responding party.

If the parties are unable to agree on an investigator within sixty (60) days after the day on which the notice is provided, the designated recipient will select a person from among those whom the Canadian Centre for Occupational Health and Safety identifies as having the knowledge, training and experience required.

### **8.2.5.3 Information for investigator**

The designated recipient will provide the investigator will all information that is relevant to the investigation such as the nature of the occurrence, scope of the investigation, and names of parties to be interviewed.

### **8.2.5.4 Investigation report**

At the end of the investigation, the investigator submits to the NFB a summary report containing:

- a) A general account of the incident
- b) Conclusions, including circumstances in the work place conditions that led to the incident
- c) Recommendations to eliminate or minimize the risk of a similar incident

However, the report must not reveal, directly or indirectly, the identity of persons who are involved in an occurrence or the resolution process for an occurrence.

The employer will provide a copy of the investigator's report to the principal party, responding party, the work place committee or health and safety representative.

### **8.2.5.5 Implementation of investigator's recommendations**

The employer and the work place committee or the health and safety representative must jointly determine which of the recommendations will be implemented.

If they cannot agree on which recommendations should be implemented, then the employer's decision as to which recommendations are appropriate to implement prevails. However, the employer must document its decision and the reason for that decision and keep a record of the decision and its reasons for 10 years.

The employer must implement all recommendations that are determined to be appropriate. Recommendations may include additional preventive measures, a review of work place design, new processes or administrative procedures, building awareness, and education and training.

The NFB must ensure the resolution process is completed within one (1) year from the day the notice of occurrence was filed.

## 9.0 DOMESTIC VIOLENCE

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

No matter how we label it - family violence, gender-based violence, intimate partner violence, or violence against women - domestic violence can happen to people of all genders. It happens in all racial, economic and religious backgrounds. It exists in relationships regardless of sexual orientation. Moreover, it occurs within families, between spouses, common-law couples, intimate partners, and ex-partners.

Domestic 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), or economic abuse such as withholding or stealing money, or stopping a partner from reporting to work.

Domestic violence may extend into the work place where the aggressor uses emails, phone calls, text messages, stalking or showing up to the work place to question co-workers, damage property or threaten other employees. This can affect employee productivity and health and safety; organizations can help to recognize, respond to and address the impacts of domestic violence.

The NFB has a responsibility under the *Canada Labour Code* to protect and prevent against all forms of harassment and violence, including domestic violence. In some circumstances, it may be impossible to prevent an occurrence of domestic violence from happening in a space not under the control of the employer (e.g. the employee's home).

Upon being made aware that an employee is or is likely to be exposed to domestic violence or third-party harassment or violence in the work place, the NFB will take appropriate precautions to protect the employee and any other persons at the work place likely to be affected.

Employees are encouraged to seek support and report domestic violence so that appropriate safeguards can be put in place. Available supports and resources include:

- Call 9-1-1 in emergency situations
- Employee Assistance Program: 1-800-268-7708
- Persons and organizations listed in Appendix C.

## **10.0 PRIVACY AND CONFIDENTIALITY**

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To encourage those who are victims or witness work place 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.

Confidentiality and privacy protection are necessary to conduct an effective investigation into an incident of work place harassment or violence and to provide appropriate support for victims.

The designated recipient shall emphasize to investigators that their report must not reveal, directly or indirectly, the identity of parties and witnesses involved in the resolution process.

Note that protecting the full privacy of victims or witnesses in harassment and violence complaints may not always be possible or practicable in the context of the public service due to legal obligations including those respecting access to information and privacy. The designated recipient will work closely with the parties to address the occurrence while ensuring that information about the complaint is not disclosed, unless required by law.

Questions or concerns regarding the confidentiality of one's personal information, requests to make a correction and/or access one's personal information, and any access to information requests should be directed to the access to information and privacy protection coordinator (see Appendix C).

## **11.0 RECOURSE OPTIONS**

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Refer to Appendix B for a summary of available recourse options for employees involved in an occurrence of work place harassment and violence.

## **12.0 SUPPORT MEASURES**

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Support services available to employees are listed in Appendix C. Moreover, employees may consult health care professionals, including their family doctor, for tests or treatment.

## **13.0 ENQUIRIES**

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Enquires about this policy should be directed to the Labour Relations sector (identified below) or, where applicable, to an appropriate union representative.

Arlette Boghoskhan  
514-299-7097  
[a.boghoskhan@nfb.ca](mailto:a.boghoskhan@nfb.ca)

Cynthia Miller  
514-299-2706  
[c.miller@nfb.ca](mailto:c.miller@nfb.ca)

## 14.0 REFERENCES

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Laws, regulations, and other documents relevant to this policy include:

- *Access to Information Act*
- *Canada Labour Code (Part II – Occupational Health and Safety)*
- *Canada Occupational Health and Safety Regulations (COHSR)*
- *Canadian Human Rights Act*
- *Code of Values and Ethics for the Public Sector*
- Collective agreements:
  - *Professional Institute of the Public Service of Canada*
  - *Syndicat général du cinéma et de la télévision (CUPE, Local 4835)*
- *Criminal Code of Canada*
- *Federal Public Sector Labour Relations Act*
- *Government Employees Compensation Act (GECA)*
- *Human Resources Manual*
- *NFB Code of Values and Ethics*
- *Official Languages Act*
- *Privacy Act*
- *Public Servants Disclosure Protection Act*
- NFB Scale agreements:
  - *ACTRA - Alliance of Canadian Cinema, Television and Radio Artists*
  - *AQTIS 514 IATSE - Alliance québécoise des techniciens et techniciennes de l'image et du son*
  - *ARRQ – Association des réalisateurs et réalisatrices du Québec*
  - *CFM – Canadian Federation of Musicians*
  - *DGC – Directors Guild of Canada*
  - *SARTEC - Société des auteurs de radio, télévision et cinéma*
  - *SPACQ - Société professionnelle des auteurs et des compositeurs du Québec*
  - *UDA - Union des artistes*
  - *WGC - Writers Guild of Canada*
- *Work Place Harassment and Violence Prevention Regulations (WHVP)*

# APPENDIX A – EXAMPLES OF WORK PLACE HARASSMENT AND VIOLENCE BEHAVIOURS

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<p>Work place <b>violence</b> may include but is not limited to:</p> <ul style="list-style-type: none"><li>• Verbally threatening to attack a worker</li><li>• Leaving threatening notes or sending threatening emails to someone at work</li><li>• Shaking a fist in a worker's face</li><li>• Wielding a weapon at work</li><li>• Hitting or trying to hit a worker</li><li>• Sexual violence against a worker</li><li>• Kicking an object, the worker is standing on, such as a ladder</li><li>• Trying to run down a worker using a vehicle or equipment such as a forklift</li></ul>	<p>Work place <b>harassment</b> may include but is not limited to:</p> <ul style="list-style-type: none"><li>• Offensive or intimidating comments or jokes</li><li>• Bullying or aggressive behaviour</li><li>• Displaying or circulating offensive pictures or materials</li><li>• Inappropriate staring</li><li>• Repeated offensive or intimidating phone calls, emails or texts</li><li>• Work place sexual harassment</li><li>• Isolating or making fun of an employee because of gender identity</li><li>• Sexist remarks</li><li>• Racist remarks</li><li>• Homophobic remarks</li><li>• Transphobic remarks</li></ul>
<p>Work place <b>sexual harassment</b> may include but is not limited to:</p> <ul style="list-style-type: none"><li>• Asking questions, talking or writing about personal sexual activities</li><li>• Rough or vulgar humour or language related to sexuality</li><li>• Displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form</li><li>• Leering or inappropriate staring</li><li>• Invading personal space</li><li>• Unnecessary physical contact, including inappropriate touching</li><li>• Demanding hugs, dates, or sexual favors</li><li>• Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes</li><li>• Verbally abusing, threatening or taunting someone based on gender or sexual orientation</li><li>• Threatening to penalize or otherwise punish a worker if they refuse sexual advance.</li></ul>	

## APPENDIX B – RECOURSE OPTIONS

The following recourse options may also be available to address occurrences of work place harassment and violence. The availability of these recourse mechanisms may depend on the specific case. This list is not exhaustive; other options may be available.

Employees are encouraged to contact their union representative, where applicable, for advice and information.

Nature of Occurrence	Description of Recourse Option
Work place harassment and violence complaint under the <i>Canada Labour Code</i> Part, II	Per section 15 of the Regulations, a principal party or a witness may, in writing or orally, provide the employer or the designated recipient with a notice of an occurrence.
Harassment and discrimination grievances under the applicable Collective Agreement or applicable Scale Agreement	<p><b>Grievance:</b> with some exceptions, an employee can file a grievance as it relates to their terms and conditions of employment including a grievance alleging violation of the “no discrimination” clause in the applicable collective agreement.</p> <p>An independent contractor covered by a scale agreement may also contact the certified guild concerned to find out about their remedies under the applicable scale agreement.</p>
Disclosure of wrongdoing in the work place under the <i>Public Servants Disclosure Protection Act</i>	<p><b>Wrongdoing:</b> a disclosure of wrongdoing can be made under the <i>Public Servants Disclosure Protection Act</i> to:</p> <ul style="list-style-type: none"> <li>- the employee’s supervisor;</li> <li>- the NFB’s Senior Officer for Disclosure; or</li> <li>- the Public Service Integrity Commissioner of Canada.</li> </ul> <p>The NFB’s applicable policies and procedures should be referred to.</p>
Discrimination complaint under the <i>Canada Human Rights Act</i> (CHRA)	<p><b>File a human rights grievance or a discrimination complaint under the <i>Canadian Human Rights Act</i>.</b> “Discrimination” is defined as: an action or a decision that results in the unfair or negative treatment of person or group because of their race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and a conviction for which you have been granted a pardon.</p> <p>The Federal Public Sector Labour Relations and Employment Board has jurisdiction to hear human rights complaints under the CHRA from federal public servants with a right to grieve. Public servants without a right to grieve could file a human rights complaint with the Canadian Human Rights Commission.</p>
Internal Complaint Resolution Process - Occupational Health and Safety Complaint Registration ( <i>Canada Labour Code, Part II, subsection 127.1(1)</i> )	An employee who believes on reasonable grounds that there has been a contravention of Part II or that there is likely to be an accident, injury or illness arising out of, linked with or occurring in the course of employment shall first make a complaint to their manager. If the complaint is not resolved, the employee or former employee may file a complaint with the Employment and Social Development Canada – Labour Program (LAB 1060).

# APPENDIX C - LIST OF RESOURCES

If you or someone you know is in immediate danger, call 911.

For additional information respecting the medical, psychological or other support services that are available within your geographical area, please contact the Labour Relations sector or your union representative.

Internal Resources	
<b>Designated Recipient (Labour Relations Sector)</b> <i>information about the policy and procedures, or to file a notice of occurrence</i>	Arlette Boghoskhan 514-299-7097 a.boghoskhan@nfb.ca Cynthia Miller 514-299-2706 c.miller@nfb.ca
<b>Contact for artists and other independent contractors</b>	Arlette Boghoskhan 514-299-7097 a.boghoskhan@nfb.ca
<b>Human Resources Advisors</b> <i>guidance on problematic situations or conflicts</i>	Samira Najem 514 641-7923 s.najem@nfb.ca Josée Riel 514-241-1964 j.riel@nfb.ca
<b>Departmental Security</b> <i>emergency procedures</i>	François Tremblay 514-566-1493 f.tremblay@nfb.ca Bruno Gervasi 514-820-6850 b.gervasi@nfb.ca
<b>Director of Legal Services</b> <i>questions about the codes of values and ethics of the public sector and the NFB</i>	Dominique Aubry 514-283-9163 d.aubry@nfb.ca
<b>Access to Information and Privacy Coordinator</b> <i>Access to information requests, questions about privacy</i>	Duygu Barbaros 438-466-2522 d.barbaros@nfb.ca
<b>Senior Advisor, Diversity, Equity and Inclusion</b>	Patricia Doss 438-439-3442 p.doss@nfb.ca
<b>Director, Indigenous Relations and Community Engagement</b>	J'net Ayayqwayaksheelh 647-226-5638 j.ayayqwayaksheelh@nfb.ca

External Resources
<b>National</b>
<b>Available to NFB employees</b>
<ul style="list-style-type: none"> <li>• NFB's <u>Employee Assistance Program</u> (EAP) - Employee Assistance Services (Health Canada); (1-800-268-7708)</li> <li>• <u>LifeSpeak Platform</u> (<i>password: canada</i>) - An online well-being support platform, free of charge for NFB employees, offering short training sessions on video and tip sheets on a variety of topics, including mental health, stress management, financial health, and more.</li> </ul>
<b>Available to the public</b>
<ul style="list-style-type: none"> <li>• 911</li> <li>• 211 National Service Provider Network - Call 211 or visit <a href="https://211.ca/#/">https://211.ca/#/</a> to find resources in your province or territory.</li> <li>• <u>Affordable therapy network</u> (English only)</li> <li>• <u>Commit to Kids</u> (Canadian Centre for Child Protection)</li> <li>• <u>Canadian Mental Health Association branches</u></li> <li>• <u>Crisis Services Canada</u> If you or someone you know is thinking about suicide, call 1-833-456-4566 (24/7) or text 45645 (4 PM - 12 AM ET) or find the <u>distress centres and crisis organizations</u> nearest you.</li> <li>• <u>eMentalHealth.ca</u></li> <li>• Problematic substance use: Refer to <u>this list</u> prepared by the Government of Canada.</li> <li>• <u>Kids Help Phone</u>: Call 1-800-668-6868 (toll-free), text CONNECT to 686868 or download the <u>Always There</u> app for additional support.</li> <li>• <u>Local crisis/distress centres directory</u></li> <li>• <u>Shelter Safe</u></li> <li>• <u>The Salvation Army</u> - Use the online search tool to locate your local Salvation Army Community and Family Services Facility.</li> <li>• Trans Lifeline (1-877-565-8860)</li> </ul> <p>Additional information and resources:</p> <ul style="list-style-type: none"> <li>• <u>Preventing suicide: Warning signs and how to help</u></li> <li>• <u>List of resources</u> (Canadian Association of Sexual Assault Centres)</li> <li>• <u>List of resources</u> (Public Health Agency of Canada)</li> <li>• Learn more about <u>stopping family violence</u>, and find supports and services in your area.</li> <li>• <u>For help dealing with family violence</u></li> <li>• <u>Promoting safe relationships</u></li> </ul>
<b>Indigenous Wellness Supports</b>
<ul style="list-style-type: none"> <li>• Elder Advisory Services (for all public servants): <a href="mailto:aadnc.icc_ab.aandc@canada.ca">aadnc.icc_ab.aandc@canada.ca</a></li> <li>• Hope for Wellness Help Line - Telephone and online counselling are available in English and French. On request, telephone counselling is also available in Cree, Ojibway and Inuktitut. (call 1-855-242-3310, toll-free, or connect to the <u>online Hope for Wellness chat</u>)</li> </ul>



## Vancouver

- Atira Women's Resource Society (604.800.8881)
- Battered Women's Support Services (BWSS) (604-687-1867; [information@bwss.org](mailto:information@bwss.org) ; TTY: 604-687-6732) - Hours: 10am to 5pm (Monday-Friday); 10am to 8pm (Wednesday)
- Women Against Violence Against Women Rape Crisis Centre (WAVAW) (24/7: 604-255-6344/1-877-392-7583; text: 604-245-2425; [vsp@wavaw.ca](mailto:vsp@wavaw.ca))
- Helping Spirit Lodge Transition House (24/7: 604-872-6649; [smanager@hsls.ca](mailto:smanager@hsls.ca))
- Kate Booth Transition House - A confidentially located shelter, which provides a safe, caring environment for women and their children fleeing domestic violence. (604-872-7774)
- QMUNITY - A place where queer, trans, and Two-Spirit folks come together to meet, guide, and support each other. ((604) 684-5307 ext. 100)
- Vancouver Rape Relief & Women's Shelter (604-872-8212; TDD 604-877-0958; TTY: 9am-9pm: 604-877-9058; [info@rapereliefshelter.bc.ca](mailto:info@rapereliefshelter.bc.ca)) – 24-hour crisis line
- Mental Health Support Line (310-6789 (area code not required))

## Edmonton

- Sexual Assault Centre of Edmonton (SACE) (780.423.4121; [info@sace.ca](mailto:info@sace.ca). For text, toll-free long distance, or for support through an interpreter for languages other than English, call 1.866.403.8000.
- University of Alberta Sexual Assault Centre (780-492-9771; [sexualassaultcentre@ualberta.ca](mailto:sexualassaultcentre@ualberta.ca))

## Winnipeg

- Klinic / Sexual Assault Crisis Program (24/7: 204-786-8631/1-888-292-7565; [sacp@klinik.mb.ca](mailto:sacp@klinik.mb.ca))

## Toronto

- Assaulted Women's Helpline (Toll Free: 1-866-863-0511; #SAFE (#7233) on Bell, Rogers, Fido or Telus mobile; TTY: 416-364-8762)
- BOOST Child and Youth Advocacy Centre
- Family Service of Toronto
- Fem'aide (Toll-free: 1-877-336-2433; ATS: 1 866 860-7082)
- Oasis Centre des Femmes (416-591-6565; [services@oasisfemmes.org](mailto:services@oasisfemmes.org))
- Ontario Victim Services (OVS) (24/7: 1 888 579-2888 or 416-314-2447)
- The 519 - Dedicated to advocacy for the inclusion of LGBTQ communities. See upcoming events, programming, and location details. (416-392-6874 ; [Info@The519.org](mailto:Info@The519.org))
- The Barbra Schlifer Commemorative Clinic - Offers legal, counselling and interpretation services to marginalized and racialized populations of women who have survived violence. (416-323-9149)
- Toronto Rape Crisis Centre: Multicultural Women Against Rape (TRCC MWAR) (416-597-8808; [crisis@trccmwar.ca](mailto:crisis@trccmwar.ca))

## Montreal

- Assistance aux Femmes (514-270-8291)
- Auberge Shalom (514-731-0833)
- Auberge Transition (Quartier Notre-Dame-de-Grâce) (514-481-0496)
- CALACS de l'Ouest de l'Île/West Island ([info@calacsdelouest.ca](mailto:info@calacsdelouest.ca))
- Centre pour les victimes d'agression sexuelle (514-934-4504; [cvasm@videotron.com](mailto:cvasm@videotron.com))
- Chez Doris (514-937-2391) - Day drop-in centre
- Écoute Entraide (514-278-2130)
- Escale pour elle (514-493-4004)
- Interligne (24/7: 1-888 505-1010)
- Le Service aux victimes d'agression sexuelle de l'Hôtel-Dieu (514-843-2645)
- La Dauphinelle (514-598-7779)
- Maison des femmes sourdes de Montréal (ATS : 514-255-6376)
- Maison du Reconfort (Verdun) (514-768-8648)
- Montreal Sexual Assault Centre (24/7: 514-934-4504)
- Mouvement Contre le Viol et L'inceste (weekdays ONLY crisis : 514-278-9383; [mcvi@contreleviol.org](mailto:mcvi@contreleviol.org))
- Multi-Femmes (514-523-1095)
- Parados (514-637-3529)
- S.O.S. Violence Conjugale (24/7: 1-800-363-9010; 514-873-9010)
- Maison secours aux femmes de Montréal (514-593-6353)
- Suicide Action Montréal (SAM) : 1 866 277-3553 (1 866 APPELLE)
- Trêve Pour Elles (514-251-0323; [trevepouelles@sympatico.ca](mailto:trevepouelles@sympatico.ca))

## Moncton

- South East Sexual Assault Centre (24-hour support line: 1-844-853-0811/506-857-8028; [sesac.casse@crossroadsforwomen.ca](mailto:sesac.casse@crossroadsforwomen.ca)).

## Halifax

- Adsum House (902-423-4443, 902-429-4443)
- Avalon Sexual Assault Centre (902-425-0122; [avaloncentre@eastlink.ca](mailto:avaloncentre@eastlink.ca))
- Bryony House (902-422-7650)
- Legal Information Society of Nova Scotia (833-407-3600)
- Mental Health Crisis Line (1 888 429-8167/902-429-8167).
- Sexual Assault and Harassment Phone Line (902-425-1066).
- Victim Services – Halifax Regional Police (902-490-5300)

## St-John's

- Iris Kirby House (709-753-1492/1-877-753-1492; [info@kirbyhouse.nf.net](mailto:info@kirbyhouse.nf.net))
- Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre (1-800-726-2743; [info@endsexualviolence.com](mailto:info@endsexualviolence.com))