

Addressing violence and harassment at work: A roadmap for the new federal process

The government has passed revised regulations under the *Canada Labour Code* that put in place a new process for incidents of violence and harassment in federal workplaces. Here are some highlights of the new process.

Steps in the process

1

Notification: Making the employer aware

- Complainant or witness gives notice in writing or orally
- Employer or designated recipient confirms receipt within 7 calendar days
- Employer must also inform complainant about each step of the resolution process and their right to representation (by union or support person)

2

Negotiated resolution or conciliation: Talking it out

- Parties must make efforts to resolve the issue
- Parties may use *conciliation* if acceptable to all.
Note: The use of conciliation does not rule out a formal investigation if the process is not successful.

3

Investigation: The new part

- An investigation of the occurrence must be carried out if requested
- Employer or designated recipient selects an investigator from a joint internal list who is agreed to by both parties
- If an investigator cannot be mutually agreed to, one is appointed from the government's roster, after 60 days
- Investigator conducts their investigation

4

Completion of process

- Investigator provides report to employer, which includes (a) a general description of what happened; (b) conclusions; and (c) recommendations to eliminate or minimize the risk of a similar occurrence
- Employer provides investigator's report to all parties and the workplace committee or health and safety representative
- Employer and workplace committee or health and safety representative jointly determine which of the recommendations will be implemented
- All joint recommendations **MUST** be implemented by the employer



How it has improved

- a "designated recipient" receives harassment and violence complaints, so workers no longer have to file a complaint to their supervisor
- reasonable timeframes for resolution to better support the complainant and alleged perpetrator (7 days to respond to a notice of an incident, 60 days to appoint an Investigator, one year for the entire process to be wrapped up)
- confidentiality of all parties involved, including witnesses, throughout the investigation
- a unique process for employees victimized by a third party (for example, an employee harassed by a client)
- employer obligations to implement recommendations and/or corrective measures in response to the investigation report

For more detailed information go to psacunion.ca/HarassmentViolenceRoadmap