



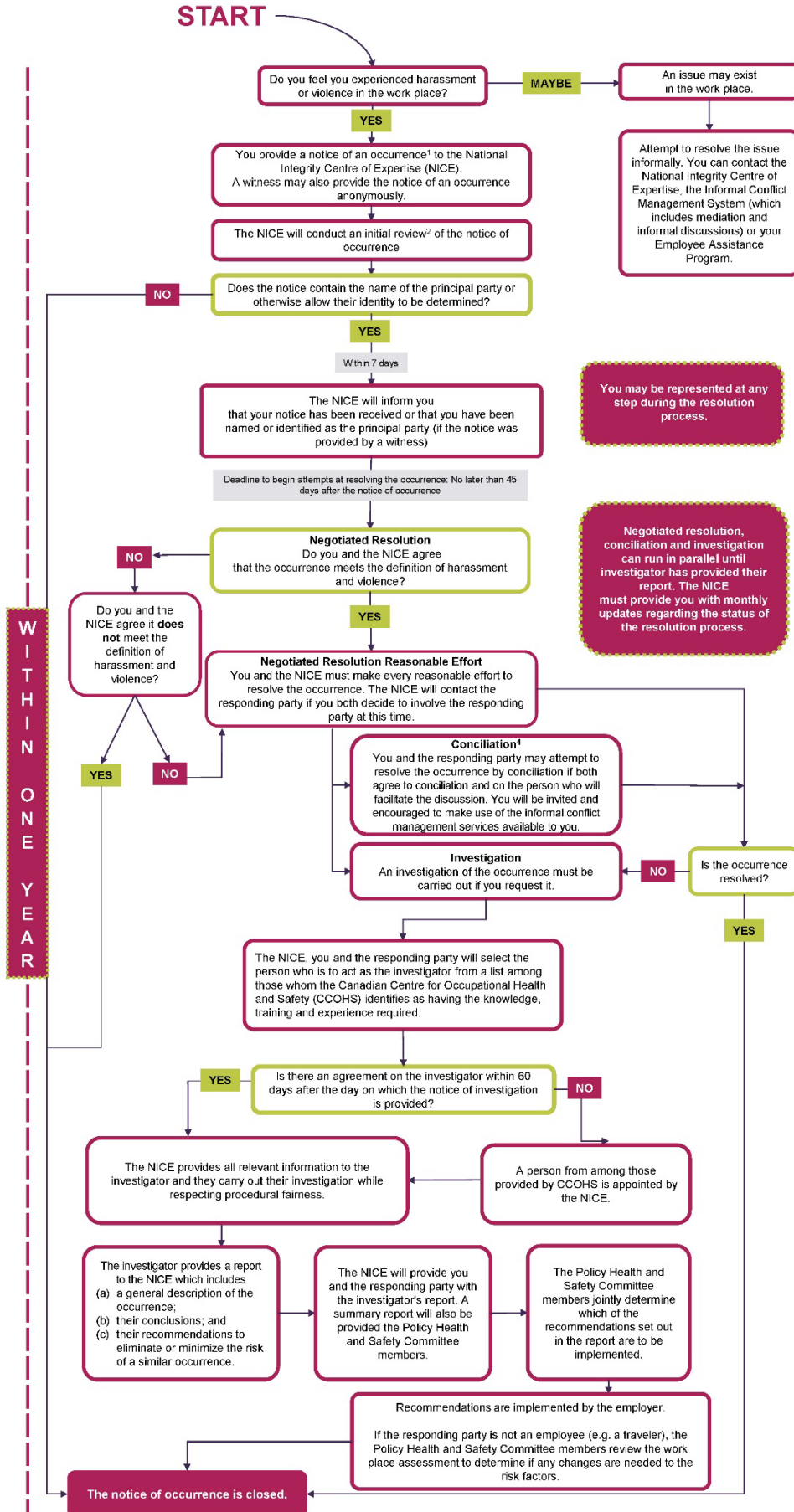
## RECOURSE OPTIONS FOR MEMBERS

# DISCRIMINATION

<b>ISSUE</b>	One (or more) of these prohibited grounds of discrimination was used against you in a way that adversely affected you: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, a conviction for which a pardon has been granted or a record suspended.
<b>1<sup>ST</sup> STEP</b>	File a Human Rights complaint (together with a grievance, within 25 days), which will sit in abeyance until the grievance is dealt with.
<b>TIME LIMIT</b>	1 year
<b>HOW</b>	<ul style="list-style-type: none"><li>▪ Call the Canadian Human Rights Commission.</li><li>▪ You must show you have a reasonable basis for believing that there is a connection between the adverse treatment you want to complain about and how one or more of the prohibited grounds of discrimination was(were) the reason(s) for the adverse treatment.</li><li>▪ If Commission accepts complaint, they will send you forms to file your complaint.</li></ul>
<b>HUMAN RIGHTS</b>	–
<b>WHERE</b>	Canadian Human Rights Commission
<b>WHO RESPONDS</b>	–
<b>HOW IS IT DEALT WITH</b>	Initial review may lead to: <ul style="list-style-type: none"><li>▪ negotiated resolution</li><li>▪ conciliation</li><li>▪ investigation</li></ul> An investigation of occurrence must be carried out if requested.
<b>ANONIMITY</b>	–
<b>REPRISAL</b>	–
<b>REPORT / OUTCOME</b>	Investigator's Summary Report provided to complainant and respondent, and to the Policy Health and Safety Committee. Allegations are found to be one of the following: Founded, Not founded, Inconclusive.
<b>APPEAL</b>	–
<b>AUTHORITY</b>	<i>Canada Labour Code, Part II</i>
<b>MORE INFO</b>	<ul style="list-style-type: none"><li>▪ Canada Labour Code</li><li>▪ <a href="#">Workplace Harassment and Violence Prevention Regulations (WHVPR)</a></li><li>▪ NICE flowchart and definitions document (attached)</li><li>▪ CBSA Workplace Harassment and Violence Prevention Policy</li><li>▪ BSF 820: Allegation of Discrimination and Harassment Form</li><li>▪ BSF 859: Witness Form/Notice of Occurrence of Harassment and Violence Form</li><li>▪ BSF 860: Notice of an Occurrence of Harassment and Violence Form/Principal Party</li></ul>

# NATIONAL INTEGRITY CENTRE OF EXPERTISE

## Harassment and Violence Notice of Occurrence Resolution Process – Principal Party



# NATIONAL INTEGRITY CENTRE OF EXPERTISE

## Harassment and Violence Notice of Occurrence Resolution Process

**Applicable Partners** means a union representative on to the policy committee. For the purpose of this policy, the Applicable Partners are union representative members of the Policy Health and Safety Committee (Customs and Immigration Union, Professional Institute of the Public Service of Canada, Canadian Association of Professional Employees).

**<sup>4</sup>Conciliation** means an informal, confidential process where a neutral person (the conciliator) will help the parties find a satisfactory resolution. Conciliation of an occurrence of harassment and violence can only proceed if both the Principal Party and Responding Party agree to it and agree on who will facilitate conciliation.

**Designated Recipient** means 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. For the purpose of this policy, the Designated Recipient is the National Integrity Centre of Expertise.

**Harassment and violence** means 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>2</sup>Initial Review** means a review to determine whether the notice of occurrence contains the name of the Principal Party and the Responding Party (if known), the date of the occurrence, and a detailed description of the occurrence, and to eliminate any notices that do not contain the name of the Principal Party or otherwise allow the identity of the Principal Party to be determined.

**<sup>3</sup>Negotiated Resolution** means a form of informal resolution in which the Principal Party meets (either virtually or in-person) with the National Integrity Centre of Expertise to discuss the occurrence, clarify the information that was submitted in the notice of an occurrence, make a joint determination as to whether the occurrence meets the definition of harassment and violence, and if it is the case attempt to reach resolution.

**<sup>1</sup>Notice of Occurrence of Work Place Harassment and Violence** means a notice provided orally or in writing containing the following information: (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.

**Occurrence** means an occurrence of harassment and violence in the work place.

**Principal Party** means an employee 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** means the person who is alleged to have been responsible for the occurrence in notice of an occurrence provided. This person is the one who may have made the offending action, conduct or comment.

**Witness** means a person who witnessed an occurrence or is informed of an occurrence by the Principal Party or Responding Party. In the Harassment and Violence Notice of Occurrence Resolution Process, a witness may provide notice of an occurrence anonymously.

**Work Place Harassment and Violence** means 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.

**Work Place** means 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. An employee's work place follows them wherever they are performing work for their employer. This can include public spaces, third-party premises, or the employee's residence if the employer has allowed them to work-from-home.

**Work Place Assessment** means the identification of risk factors, internal and external to the work place, that contribute to harassment and violence in the work place, and the development and implementation of preventive measures.