



MANAGER'S GUIDE

For preventing and resolving situations under the
Work Place Harassment and Violence Prevention
Regulations

National Joint Council

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Background and Employer representative (ER) roles and responsibilities

In January 2021, the Government of Canada introduced the [Work Place Harassment and Violence Prevention Regulations \(the Regulations\)](#) which are meant to support employees and employers in the resolution and prevention of harassment and violence in the workplace.

Objective

As per the [Canada Labour Code](#), Part II subsection 122(1), 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, comment or conduct.”

The purpose of the harassment and violence prevention and resolution (HVPR) process is to identify and address systemic issues within the organization which may be contributing to occurrences of harassment and violence in the workplace. Once identified, preventive measures will be implemented, that reduce the risk of harassment and violence in the workplace through workplace training, workplace design, and administrative practices.

Roles and responsibilities

The designated recipient (DR) is responsible to oversee the resolution process and to provide advice and guidance to employees and managers on the prevention and resolution of occurrences of workplace harassment and violence.

Once the DR informs the employer representative (ER) that they are the ER for an occurrence, the ER is required to participate in the resolution process with the principal party and the DR.

ERs are responsible to:

1. Have a discussion with the DR concerning:
 - The prevention and resolution process,
 - Details in the notice of an occurrence, and
 - Preparation for the meeting with the PP.
2. Meet with PP, the RP if necessary, and the DR to clarify the situation and explore resolution options. These meetings are an opportunity to promote well-being and support employees' sense of trust and safety by demonstrating:
 - Openness about the incidents they have experienced,
 - Active listening to understand the issues of the situation in a non-judgmental way, and
 - Empathy and caring to demonstrate sensitivity to the unpleasant and personal experience felt by the PP.
3. Implement recommendations (introduced either through negotiated resolution or an investigator's recommendations) as appropriate.

Important note: If you believe any of the issues raised are related to other policies and/or processes, you may decide to consult Labour Relations and/or other areas of expertise, to

obtain additional guidance and support. If you choose to do so, this may result in a separate process being launched (e.g.: in case of potential violation of the Values and Ethics Code).

Prevention

When leaders fail to address and manage conflicts early, allowing them to escalate, the workplace can quickly become a toxic environment. Unresolved issues can grow into significant problems, undermining team morale, productivity and threatening the health and safety of employees.

All federal public service employees, including managers/supervisors, play a crucial role in fostering respectful working relationships and proactively addressing workplace conflict. By tackling issues early and constructively, they can help prevent conflicts from escalating into harassment and violence, ensuring a healthier and more supportive work environment across their organization.

In all circumstances, prevention should be prioritized even if you see no apparent signs of harassment and violence. It is important to be mindful and watchful for potential risk factors that may contribute to harassment and violence in the workplace. You are encouraged to build these practices into your day-to-day activities:

As a manager/supervisor, you are responsible to:

- Exemplify the values and ethics of the federal public service
- Address any work place issues and inappropriate behaviour(s) that are brought to your attention even if they may not meet the definition of harassment and violence
- Support your employees
- Foster respectful working relationships
- Help address conflict early and constructively in a timely manner
- Work to prevent situations from escalating

Its important to keep in mind that this document is intended to provide guidance for dealing with issues related to harassment and violence and the prescribed process in the *Regulations*, however it doesn't replace other recourses for addressing workplace issues. Managers are encouraged to assess the situations carefully to determine if the harassment and violence resolution process is best suited for addressing the situation. Collaborations with other units like Labour Relations, Occupational Health and Safety, Security and more may be helpful in fulfilling the employer responsibilities and to ensure effective prevention efforts.

Build Respect and Prevent Conflict Escalation

Managers are responsible for ensuring a safe and healthy work environment free from harassment and violence. Building respect and preventing unaddressed conflicts from escalating

in your workplace starts with you, as a manager/supervisor. Here are some actions that you can take to foster an environment built on trust, care, acceptance, dignity, and respect.

Raise awareness

Managers:

- Discuss, promote and exemplify the Federal Public Sector Code of Values and Ethics, and highlight how the Work Place *Harassment and Violence Prevention Regulations* support these values.
- Attend and ensure your employees attend training on workplace harassment and violence every three years, but it may also be completed more frequently as needed.
- Train and discuss your organizational workplace harassment and violence policy with your employees, either individually or at staff meetings. Your staff should know:
 - what behaviours (i.e., actions, comments, or conduct) may be considered inappropriate or workplace harassment and violence,
 - what are the consequences of harassment and violence and what can be done to improve workplace health and safety.
 - how to create a work environment that is inclusive, accessible, respectful, and welcoming for all.
- Be aware of the training or information sessions that are available, encourage your employees to attend such sessions, and attend them yourself. For example:
 - creating a respectful and inclusive workplace;
 - unconscious bias;
 - conflict and dispute resolution.
- Ensure employees know that all forms of workplace harassment and violence are not acceptable and that they must inform either you, their supervisor or the designated recipient to report an occurrence or any concerns in that regard.
- Coach individual employees, where necessary.

Be a role model

Being a role model for workplace harassment and violence prevention will encourage your employees to follow your lead. To lead by example, model appropriate behaviours by:

- always conducting yourself ethically and responsibly;
- establishing respect as one of your core values;
- being mindful of your language and tone in person, on the phone, and in emails;
- never being too busy to be nice. Make this a priority for you. You can change someone's day just with a smile, a hello, and a positive attitude;

- being self-aware of your own triggers and of the impact of your behaviours on others. If you are unsure whether something you said or did offended others, ask, and, if warranted, apologize;
- not being silent about behaviours that may qualify as workplace harassment and violence, and do not take part in any potentially inappropriate behaviours yourself;
- exercising your delegated authority fairly and wisely;
- learning about and promoting diversity in your hiring practices and ensure you are respecting and accommodating cultural differences;
- promoting inclusive practices in daily operations;
- being sensitive to individual needs. Your operational requirements are important, but must never be detrimental to the well-being of your staff; and,
- keeping yourself informed and up-to-date on how to effectively respond to and address workplace harassment and violence.

Monitor the interpersonal workplace environment

Incivility is often the result of thoughtlessness, stress, unconscious bias and implicitly held stereotypes, or misjudgment of group norms. The following describe activities that can help managers and supervisors prevent workplace harassment and violence.

- Take note of how your staff members interact and be alert to certain elements of interactions, such as:
 - the tone and volume of conversations;
 - an employee avoiding interactions, or cliques that form to exclude others (e.g., lunch or coffee groups, TEAMS or group chat))
 - an increase in communication through email in place of verbal communication;
 - increase in expressed negative feelings regarding colleagues or the workplace;
 - increased competitiveness among colleagues during a time of change (e.g., job promotions, new manager, downsizing, or expansion);
 - increased bickering, nitpicking, or blaming at meetings; or,
 - rumours and gossip.

If you notice disrespectful behaviours, such as someone repeatedly interrupting or rolling their eyes, raised voices, door slamming, and, insults or derogatory jokes (even those that appear friendly in nature) meet with the individual to address the inappropriate behaviour. Explain how the behaviours are disrespectful and should stop, and encourage the person to be more aware of the impact of their conduct on others. Consider seeking advice and guidance from a Labour Relations Advisor and advise the employee of their option to file a Notice of Occurrence with the Designated Recipient.

- Ask whether your team members are always comfortable, included and treated fairly. If appropriate, ask individuals privately and respectfully if they are facing situations that make them feel unfairly treated or uncomfortable and, if so, invite them to come talk to you or to their supervisor. If an employee tells you that they have a problem with the way a colleague speaks to them or acts, do not dismiss their concerns because you do not agree. Instead, acknowledge their concerns and advise them of the options available to them (speak to the person, informal conflict resolution, notice of occurrence, grievance, and/or human rights).
- Encourage your employees to talk to each other so that issues can be resolved as they arise. Remind staff of their responsibility to make every reasonable effort to resolve situations of conflict early starting with informal conflict resolution.
- Check in on morale on a regular basis and be mindful of certain early warning signs that could indicate the presence of unresolved conflict in your workplace, for example;
 - increased absenteeism and staff turnover;
 - a significant increase in "small" problems that are brought to your attention, such as undue concerns raised regarding policy matters or changes in the workplace; and/or,
 - decreased participation at meetings.

It may be helpful to gather information about the general health of your department, for example, by reviewing the Public Service Employee Survey (PSES), or other employee survey results for your area, such as Mental Health Dashboard, EAP usage data, Psychosocial Risk Factor evaluations.

Acting on early warning signs can successfully defuse situations that have the potential to escalate to more serious incidents. Some actions can be misunderstood, or unintended, and may possibly be resolved informally through communication between the parties. Informal resolution of issues should be encouraged within your workplace, if appropriate for the situation. Support could be provided by having someone knowledgeable in the process facilitate a discussion between the employees to assist with resolving the issue.

Encourage Psychological Safety and Inclusion

When employees feel safe, valued and supported, they focus on work, provide feedback without the fear of consequences and are more willing to speak up when mistakes occur. A lack of psychological safety may be one of the reasons why employees will not come forward to report incidents of workplace harassment and violence. You can promote psychological safety and inclusion by:

- making yourself available to employees and actively listening to their opinions, ideas and concerns;
- being receptive, not defensive, to feedback from staff about the way you manage;

- asking your staff about their experiences, for ideas on how to improve morale, office interaction, and workplace climate;
- getting to know your employees and developing personal connections;
- being mindful of individual needs and circumstances;
- adapting your communication style and recognizing that some employees may prefer not to speak up in front of others but rather have one-on-one communication;
- approaching situations with a learning mindset, viewing mistakes as learning opportunities;
- treating employees fairly by giving them a fair opportunity to contribute, for professional development and growth;
- learning about your biases. Avoid favoritism and do not discriminate;
- showing appreciation for efforts made, not just for results, and encouraging employees to recognize others' contributions, giving credit where credit is due; and,
- being transparent, sharing your struggles and admitting your own mistakes.

These behaviours can maximize trust between employees and managers/supervisors required for open and honest communication.

Resolution process

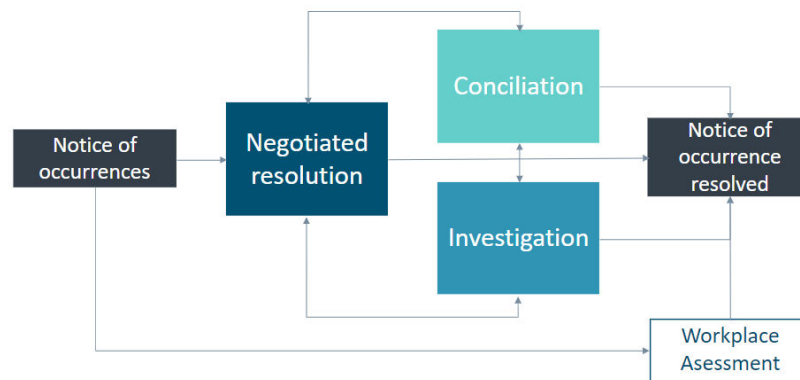
The purpose of the *Canada Labour Code*, part II is “to prevent accidents, occurrences of harassment and violence and physical or psychological injuries and illnesses arising out of, linked with or occurring in the course of employment to which this Part applies.” While having in mind the principal party’s interest, you should always think about the general obligation for health and safety under the Code.

There are two key principles that all resources should keep in mind when dealing with employees – Safety and Security First. The priority when doing this work is to ensure that the person or people reaching out to you are safe. This guide does not include all organizations’ emergency procedures in situations of imminent danger. Please refer to your internal emergency procedures and ensure you and your employees are aware of them. Also, there may be difficult and complex situations that may require expert advice. It is important to recognize the limit of your role and suggest you consult with other resources, as needed, in certain circumstances, e.g., [domestic or family violence](#).

Depending on your organizations’ harassment and violence internal process, your role may vary throughout the steps required by the Regulations. Please consult the Designated recipient for more guidance.

This is a very high level process, but when a notice of occurrence is received, several options are available to the principal party.

Simplified resolution process



It is important to keep in mind that the negotiated resolution and conciliation options may not be appropriate depending on the situation, for example such as emergencies, sexual harassment, or domestic violence and more.

Negotiated resolution

Negotiated resolution allows joint exploration of options to resolve the occurrence. The principal party can formulate propositions as well as you, as an employer representative (if applicable), the responding party if implicated, etc. This is the stage where the manager can look at solutions without requiring the responding party to be involved. It is also where you can think outside the box. At this stage, the relation you have with the party can have a big impact on the resolution without the Responding Party.

Trust is very important as well as your capacity to influence and explain well the outcome of the Harassment and Violence process under the Regulations. The goal here is to quickly act on a situation, put preventive measures, listen to the parties, and try to restore the workplace. Please note that depending on the situation, it may be resolved with only involving the principal party at this stage.

You can propose solutions that will address the root causes identified by the parties, if applicable. It can go from a letter of excuse up to start a new initiative to improve a specific workplace. Other examples more related to restoring the workplace can be to launch initiatives like doing a 360 evaluation for management, conduct interviews with employees, bringing specialist to restore relationships, etc. Please consult the designated recipient to help you with that phase of the process.

Conciliation

Conciliation is a resolution process that requires the assistance of a neutral third party who will advise and guide the parties in the search for appropriate solutions/resolutions. The use of

problem-resolution mechanisms - such as coaching, mediation, counselling and facilitated discussion may often resolve the issue and prevent similar occurrences from happening. These mechanisms can complement or act as a gateway to the conciliation step. Situations should be assessed on a spectrum from those where a professional conciliator may be required, to others which may be resolved with the support of another employee, supervisor, or human resources professional. The principal party can decide if conciliation is not appropriate or unsuccessful and should take into consideration any views/considerations being raised by the designated recipient on options to resolve. There may be situations where the conciliator makes the determination that the situation is not appropriate to proceed.

Negotiated resolution and conciliation are two resolution mechanisms available through the Regulations and they offer significant advantages. They both offer a wide range of potential outcomes that could be of benefit to the principal party, the workplace or both parties. It is important to remember that the *Regulations* do not restrict what may be negotiated within these two processes. All parties may bring potential solutions for consideration by the other parties as part of the negotiations.

Investigation

The ultimate objective of an investigation under the Regulations is to make recommendations to eliminate or minimize the recurrence or future occurrence of harassment and violence in the workplace. It is important to note that the investigation is not conducted for disciplinary purposes and is not intended to provide a party with a personal remedy.

Please note that the facts regarding a NoO may be shared at any time in the process if, for example, there is a breach in the Public Service Code of Values and Ethics. However, each process needs its own analysis. The report under the Regulations should not be used to discipline an employee. In case of potential misconduct, please refer to a labour relations specialist to address the potential misconduct through a separate administrative process as required (TB Directive, paragraph 4.1.10.4).

Work Place assessment

Work Place assessment in the resolution process applies in two contexts:

- When the principal party decides not to continue with the process (see paragraph 18 of the Regulations).
- When the responding party is not an employee or the employer (see subsection 6(1) of the Regulations).

It is important to keep in mind that harassment and violence may be highly sensitive and should be handled using a trauma-informed approach with emphasis on demonstrating empathy and respecting confidentiality and privacy.

Restoration

How Can I Restore the Workplace?

This part of the Guide aims to help you restore the workplace following the completion of the resolution process for an occurrence of harassment and violence. It will help you manage sensitive and complex issues related to harassment and violence in the workplace with the goal of restoring a respectful work environment not only for the parties but also for the entire team.

Early engagement and ongoing commitment to the restoration of a healthy workplace is an important responsibility of management.

After an alleged incident of harassment and violence in a workplace, regardless of the outcome, morale and relationships may need to be repaired.

Whether the allegations were founded or not, employees may feel vulnerable, hurt or even uncomfortable around each other and other employees, but can still work together. Even if a case comes back as unfounded, without restoration further issues may emerge. The tension may spread to other members of the team; those who have been made aware of the issue and those who have been witnesses. Restoration is an integral component of the process.

Restoring the workplace is typically not a quick or easy fix, as deeply rooted problems may be present. Each situation is unique and the response will vary depending on the specific circumstances. The goals of workplace restoration include:

- addressing the risk factors that led to the occurrence of harassment and violence;
- learning to work better together and communicating effectively;
- increasing awareness of self and others' styles, strengths, weaknesses, and the potential impact on others, regardless of intention;
- addressing the harm to the relationship between those involved and seeking to restore that relationship; and
- developing a forward-looking plan, which can be created and implemented by those involved.

Restoration Guidelines

A key factor to the success of a workplace restoration process is taking a problem-solving and relationship-building approach that enables the employees in conflict to manage their own concerns in a supported and productive manner. Restoration plans should involve the principal party, the responding party, supervisors, and, on occasion, work teams.

The approach you take to restore the workplace will depend on the specific circumstances of the incident and the outcome of the resolution process. Action plans could include, but are not limited to, interventions such as:

- training around respectful workplace;

- training around communication techniques, performance coaching, and/or dealing with resistance to change;
- one-on-one coaching sessions to help those involved in the incident understand their rights, responsibilities, and to manage expectations going forward;
- strategies for supporting employees to meet expectations;
- facilitated mediation sessions between the principal party and responding party through informal conflict management services (ICMS) or another trusted stakeholder;
- scheduled team building exercises delivered by an experienced restoration/reconciliation facilitator.

It is important that all affected parties form part of the restoration process as applicable as this will increase its chances to succeed.

Key Elements to Consider When Involved in a Workplace Restoration Process

1. Understand the goal of the restorative process

The focus is on rebuilding and restoring, which requires acknowledgement of how people feel and it is not about who was found to be right or wrong.

Its important to note that the restoration process can be applied in any circumstance related to a notice of occurrence, it is not limited to when there is an investigation.

The fact that an allegation of workplace harassment is unsubstantiated does not change how an employee feels. Similarly, even where the allegation is substantiated, the focus is not on casting blame or punishing. Applying a punitive process in this context could undermine the restorative process.

2. Conflict Resolution

In a workplace that has been affected by an occurrence of harassment and violence, conflicts can quickly escalate. Addressing conflict quickly and effectively is very important to the process of rebuilding a healthy work environment.

Group interventions are voluntary. They need to be designed in such a way that they will not cause harm. Before any meetings, it is important to secure participants' support.

Recognize that workplace restoration is an ongoing process. Following the implementation of any interventions, it will be important to monitor and evaluate if there is improvement and if that improvement is sustained. Check in frequently with the team to make sure that harmonious working relationships have been re-established, and that the steps you took are continuing to work. With effective restoration work, you can look forward to growth and learning that lead to better ways of working and relating with each other – a healthy place where people want to go to work!

3. Communication

A key focus of the workplace restoration process is to rebuild trust. Limit your communication to information about the steps in the restorative process, not the content of the allegations.

Your responsibility is to remain impartial while managing the situation. When communicating decisions and actions, frame them in a respectful manner.

The privacy of parties involved in an occurrence of harassment and violence must be respected. In order to minimize damage to the work environment and protect the integrity of the process, discussions should be limited to those who need to know, and who have a role to play in the restoration process. This could include union representatives, your designated recipient, Employee Assistance Service (EAS), counsellors and/or Informal Conflict Resolution practitioners. It is important to demonstrate the respect of confidentiality as this will help build trust in the resolution process. Work with your team to identify what activities would help rebuild trust and confidence.

4. Review the investigation findings

In the event that an investigation took place, a copy of the final investigation report is shared with the main parties involved in the incident upon completion of the investigation. Where there is a desire to engage the parties in a process of restoration, there may be a need to review the investigation findings and recommendations with the parties.

Be aware that following an investigation, one party (and sometimes all parties) are unsatisfied with the outcome. This may result in a lack of trust in a restorative process.

There could also be a situation where actions taken following an investigation may need to be explained to other employees in the work unit. This is usually the case where the facts of the investigation is widely known, and the impact of the decisions made (i.e. separation of parties) are widely felt. This is not a suggestion that confidential information from the investigation be disclosed, but to consider if there needs to be some form of communication or explanation to preface a restorative process.

5. Include all impacted groups in the restorative process

The issues identified in an investigation of an occurrence of workplace harassment and violence usually inform the restoration process that follows. Consequently, the restorative process is usually geared towards addressing underlying issues with the working relationships between those who were impacted by the occurrence.

The parties in an occurrence are sometimes not the only people impacted by the situation. A harassment and violence occurrence can divide a team. For example, employees who were called as witnesses in the investigation may struggle to interact with their colleagues after the investigation.

6. Use the information obtained to select the appropriate interventions

If an investigation has been conducted, the information required to inform on a restoration plan may have already been collected through the investigation process.

Based on the issues identified in the investigation report, you can determine the appropriate interventions or a combination of interventions required to restore the workplace. For example, if the investigation revealed that there is a problem with communication, then training and coaching on communication may be beneficial, or, if there is a need for the parties to better understand each other, mediation may be appropriate.

7. Employees may need continued support during the restoration process

Demonstrate respect and fairness to your employees and exercise sensitivity towards what the people in your workplace are going through. Encourage employees to use [EAP](#) or other support services offered to employees.

Important considerations

Privacy and confidentiality

Privacy and confidentiality are highly important elements, which play a vital role in protecting the integrity of a process. *Notice of occurrences of harassment and violence will be handled with the utmost sensitivity and discretion, and information must only be shared on a strict need to know basis. Management must address any breach of privacy by persons involved, promptly and thoroughly, with the support of the internal Privacy team and in accordance with the Values and Ethics Code for the Public Service or the applicable organizational Code of Conduct, for example, Canadian Armed Forces (CAF) and Royal Canadian Mounted Police (RCMP).*

Any individual, regardless of their position, who becomes aware of a workplace harassment and violence notice of an occurrence should not disclose any information to a third-party unless it is required to do so. This is a matter of a case-by-case determination. For example, in the TB Directives, it states that “in cases that involve potential misconduct, referral to a labour relations specialist to address the potential misconduct through a separate administrative process” (paragraph 4.1.10.4).

Misconduct

An employee who participates in the WPHV process under the Regulations cannot be disciplined because of their participation in the process as a prohibition in the Code exists - specifically Section 147. If they believe they are disciplined because of participating in a Code process, they can open a complaint under the Code to the Federal Public Sector Labour Relations and Employment Board. In case of potential misconduct, referral to a labour relations specialist to address the potential misconduct through a separate administrative process is required (TB Directive, paragraph 4.1.10.4).

Misconduct is defined as an intentional action or omission on the part of an employee that violates a code of discipline, a standard of conduct or any applicable policy, rule, standard or code governing conduct, whether explicit or implicit. The threshold for determining whether a behavior constitutes misconduct is established on a case-by-case basis with the support of Labour Relations as required. In this respect, [Guidelines for Discipline- Canada.ca](#) may assist Human Resources Advisors in the core public administration in their role of providing advice and guidance to management.

Tools and references

Resources

- [Canada Labour Code Part II – Occupational Health and Safety](#)
- [Learning tools and videos on Psychosocial factors – Learning Catalogue](#)
- [Preventing Harassment and Violence in the Work Place for Managers and Health and Safety Committees W-102](#)
- [TBS Directive on the Prevention and Resolution of Work Place Harassment and Violence](#)
- [Work Place Harassment and Violence Prevention \(HVP\) - 943-1-IPG-104](#)
- [Work Place Harassment and Violence Prevention Regulations \(SOR/2020-130\)W1](#)

For more information

For more information on the prevention and resolution of harassment and violence in the workplace, or your involvement as an ER, contact the DR.