



SENATE | SÉNAT
CANADA

SENATE HARASSMENT AND VIOLENCE PREVENTION POLICY

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1.0 POLICY STATEMENT

1.1 Purpose

All senators — together with staff in their offices and employees in the Senate Administration — are committed to fostering a culture of respect in the Senate workplace. **Harassment and violence are not tolerated from anyone, at any time, in the Senate of Canada workplace.** As an organization, the Senate strives to provide a workplace environment in which all are treated with respect, fairness, and dignity. Persons at all levels and in all roles in the Senate are accountable for their actions and share a responsibility to ensure that conduct not conducive to a culture of respect is addressed promptly, fairly, and effectively.

This Policy describes the roles and responsibilities of every person in the Senate workplace to ensure a work environment free from harassment and violence. As well, it provides processes to resolve occurrences of harassment and violence.

1.2 Context

This Policy builds on the report of the Subcommittee on Human Resources of the Standing Committee on Internal Economy, Budgets, and Administration (“CIBA”) entitled *Modernizing the Senate’s Anti-Harassment Policy: Together let’s protect our healthy work life*. CIBA is committed to creating a safe space in the Senate workplace by promoting positive and proactive leadership, with the ultimate goal of eradicating workplace harassment and violence in the Senate.

This Policy also implements the requirements of Part II of the *Canada Labour Code* and the *Work Place Harassment and Violence Prevention Regulations* (Regulations) in relation to a workplace harassment and violence prevention policy.

1.3 Application

This Policy applies to

- all senators;
- any person employed by the Senate, including the Clerk of the Senate and the Usher of the Black Rod, who are appointed by the Governor in Council;
- persons providing services to a senator or the Senate Administration under a contract for services; and
- students, interns, and volunteers working in senators’ offices or for the Senate Administration.

This Policy applies to conduct occurring within the Senate precinct, as well as in any other place or context where a person to whom this policy applies is engaged in work for the Senate or is otherwise representing the Senate, including in social events and on social media.

The Senate – and, subject to the Senate’s authority, its committees – have the exclusive authority to regulate their own proceedings. Individuals taking part in parliamentary proceedings are covered by parliamentary privilege in order to enable the Senate and senators to fulfill their constitutional role without undue interference, obstruction or fear of external retribution. This privilege is fundamental to parliamentary democracy and allows senators to express themselves fully. Conduct that forms part of the proceedings is broadly defined as words spoken on the record during a Senate sitting or a committee meeting, action taken pursuant to an order of the Senate or a committee and certain actions in furtherance of Senate or committee work. Everyone taking part in parliamentary proceedings is expected to act respectfully. Inappropriate or unwelcome conduct that forms part of parliamentary proceedings as well as questions of order and decorum do not fall within the purview of this Policy; they may be brought to the attention of the Speaker or the Chair, as the case may be, in accordance with the Rules of the Senate and parliamentary practice. For more information, see Appendix A – Addressing Inappropriate or Unwelcome Conduct in the Context of Parliamentary Proceedings.

However, the application of parliamentary privilege is not unlimited. This Policy applies to all conduct that does not form part of those proceedings even if it occurs in the Senate Chamber or in a committee room.

1.4 Definitions

The following definitions apply in this Policy.

conciliation means a process in which the principal and responding parties use a conciliator who meets with them both separately and together in an attempt to resolve an occurrence.

day means any day, regardless of whether the Senate has a sitting on that day. If a time limit for performing an action falls on a Saturday, a Sunday, or a holiday, the action may be performed on the next day that is not a Saturday, a Sunday, or a holiday.

decision-making authority means the decision-making authority under section 1.11 of this Policy.

designated recipient means the person or work unit, designated by the Subcommittee on Agenda and Procedure (“Steering Committee”) of CIBA, to whom notice of an occurrence may be provided. For the purposes of this Policy, Acosys Consulting Services, an impartial third party, will act as the designated recipient.

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”. This definition appears in subsection 122(1) of the *Canada Labour Code*. For the purpose of this Policy, the reference to “employee” in this definition is meant to include every person to whom this Policy applies. For examples, refer to Appendix B – Examples of Workplace Harassment and Violence Conduct.

notified authority means the notified authority under section 1.11 of this Policy.

occurrence means an occurrence of harassment and violence in the workplace.

Policy Committee means the Senate’s Policy Health and Safety Committee established under section 134.1 of the *Canada Labour Code*.

principal party means a person to whom this Policy applies who is the object of the occurrence in a notice of an occurrence.

responding party means the person who is alleged to have been responsible for the occurrence in a notice of an occurrence.

subcommittee means the subcommittee designated by CIBA for the purposes of this Policy.

supervisor means a person who has authority over an employee, including a senator as supervisor of their staff, but excluding team leaders who hand out work but are not involved in performance management or disciplinary matters.

witness means a person who witnessed an occurrence or is informed of an occurrence by the principal party or responding party.

workplace means any place where a person to whom this Policy applies is engaged in work for the Senate or a senator.

Workplace Committee means a Senate’s Work Place Health and Safety Committee established under section 135 of the *Canada Labour Code*.

1.5 Disagreement in Relation to a Matter to be Decided Jointly

If, under this Policy, the subcommittee or any other decision-making authority is required to do something jointly with the Policy Committee or the Workplace Committee and they are unable to agree on any matter, the decision of the subcommittee or other decision-making authority, as the case may be, prevails.

1.6 Guiding Principles

The guiding principles in the application of this Policy are the following:

1.6.1 Confidentiality

Respect for the privacy of all involved is paramount in any matter related to harassment and violence. All matters under this Policy (e.g., notice of an occurrence, conciliation, investigation,

etc.) are to be treated confidentially. Information in relation to matters under this Policy may only be disclosed in accordance with this Policy or as required by law. Unauthorized disclosure of information may be subject to disciplinary action.

Disclosure of any information that is likely to reveal the identity of a person involved in an alleged occurrence (principal party, responding party, or witness) outside of the resolution process and without that person's written consent is prohibited unless required by law. For greater certainty, any person involved in a resolution process under this Policy (such as a principal party, a responding party, or a witness) may inform their supervisor, while respecting the confidentiality of the resolution process, of their involvement in the resolution of an occurrence, for the purpose of the supervisor facilitating that person's involvement in any process under this Policy.

1.6.2 Procedural Fairness

Every person who participates in any process under this Policy is to be treated with respect and dignity. As well, every principal party or responding party who participates in any process under this Policy has the right to be heard; the right to information about the process; and the right to a fair, timely, and impartial resolution process.

1.6.3 Timeliness

Matters in relation to this Policy are expected to be addressed promptly. The resolution process in relation to an occurrence is generally expected to be completed no later than six (6) months after the day on which notice of an occurrence is provided. More information in relation to timelines can be found in sections 1.10.1 (Resolution Process) and 1.10.2 (Timelines) of this Policy.

1.6.4 Protection Against Reprisal

Reprisal against any person who participates in good faith in any process under this Policy is prohibited and will be sanctioned. All concerns about reprisal are to be directed to the designated recipient, who is to address them promptly.

1.7 Factors that Contribute to Workplace Harassment and Violence

The workplace assessment conducted pursuant to section 5 of the Regulations has identified a number of factors that can contribute to workplace harassment and violence in the Senate workplace. These factors can be divided into three (3) general categories:

1.7.1 Work Environment

Certain work environments and workplace designs can result in additional risks that may lead to harassment and violence. This can include:

- working with the public;
- dealing with demanding and sometimes disrespectful/impatient clients;

- Senate employees occasionally travelling with senators to other cities;
- Senate employees occasionally attending professional events where alcohol is served; and
- working in small numbers in enclosed, isolated, low-traffic or soundproofed areas.

1.7.2 Job Factors

Aspects specific to a job, such as mental and physical demands, can result in additional hazards that may lead to harassment and violence. This can include:

- working in a high-pressure environment;
- excessive workload;
- irregular, long and late hours of work;
- significant power imbalance among the persons to whom this Policy applies;
- job insecurity of senators' staff members, who are hired on renewable annual contracts and are not subject to the regime set out in the *Parliamentary Employment and Staff Relations Act*; and
- senators having a high degree of discretion in relation to the management of their staff.

1.7.3 Other External Factors

Other external factors that may lead to harassment and violence include:

- family violence/domestic violence, such as a family member or (ex)partner
 - o threatening a person to whom this Policy applies either verbally or over the phone/email,
 - o stalking persons to whom this Policy applies,
 - o verbally abusing persons to whom this Policy applies,
 - o destroying Senate property,
 - o physically harming persons to whom this Policy applies, or
 - o using work time or workplace resources to monitor or attempt to control the actions of an (ex)partner;
- presence of protesters in or around the parliamentary precinct; and

- potential for violent events (e.g. active shooter) or threats of violent events in or around the parliamentary precinct.

1.8 Harassment and Violence Prevention Training

The Senate will provide all senators and employees of the Senate with a harassment and violence prevention training course that will cover

- elements of this policy;
- the relationship between workplace harassment and violence and the prohibited grounds of discrimination under the *Canadian Human Rights Act*; and
- how to recognize, minimize, and prevent workplace harassment and violence.

All new senators will receive training within three (3) months after the day on which they are appointed, and all new Senate employees will receive training within three (3) months after the day on which their employment begins. Further, all senators and Senate employees will receive this training again at least once every three (3) years.

The designated recipient will also receive the training before assuming their duties under this policy and every three (3) years after that.

1.9 Preventing Harassment and Violence in the Senate Workplace

The Senate encourages all persons to whom this Policy applies to work together to prevent harassment and violence in the workplace. Inappropriate and unwelcome conduct is unacceptable in the workplace.

Inappropriate or unwelcome conduct in the workplace can negatively affect working relationships and may exacerbate power imbalances. Left unmanaged, these situations may contribute to an environment in which people feel or are harassed. Providing persons with avenues to constructively and expeditiously resolve concerns can reduce or eliminate the potential for harassment and violence in the workplace, thereby contributing to a healthy and positive work environment for everyone. To resolve such situations, there are several options available, as outlined below.

1.9.1 Addressing Inappropriate or Unwelcome Conduct

When inappropriate or unwelcome conduct occurs in the workplace, persons who are impacted by it are encouraged to communicate directly (either orally or in writing) with the person who engaged in the conduct to explain the situation and to ask for the person to stop the conduct. However, if a person is uncomfortable dealing with the person who engaged in the inappropriate or unwelcome conduct, there is no obligation to communicate directly with that person.

When faced with inappropriate or unwelcome conduct in the workplace, impacted persons may approach their supervisor, union representative, or a person of trust to seek support and guidance in addressing any situation. Alternative dispute resolution methods (e.g., conversation coaching, facilitation, or mediation) may also be available to help address the situation in a fair, constructive, and respectful manner. These alternative dispute resolution methods may be accessed confidentially through the Human Resources Directorate, on a voluntary basis. Additionally, support can be sought through the Employee and Family Assistance Program.

1.9.2 Witnesses

Everyone has a role to play in ensuring a workplace that is free from harassment and violence. Anyone who witnesses conduct that may be inappropriate or incompatible with this Policy is encouraged to approach the person engaging in objectionable conduct to discuss the situation and ask them to refrain from it or reconsider their conduct. As well, a witness to inappropriate conduct directed at a person to whom this Policy applies is encouraged to inform that person of this Policy and their right to provide notice of an occurrence. A witness to inappropriate conduct may also provide notice of an occurrence under this Policy.

1.9.3 Other Recourse

A person who feels they have experienced harassment and violence may have access to recourse procedures (such as filing a grievance) under applicable terms and conditions of employment, collective agreements, or statutes. In some circumstances, it may be possible to file a complaint under the *Canadian Human Rights Act*. Furthermore, a senator's conduct that contravenes this Policy may constitute non-compliance with the *Ethics and Conflict of Interest Code for Senators* ("Code").

A senator may – in accordance with the *Rules of the Senate* and parliamentary practice – bring conduct that may constitute harassment and violence and that occurs in the course of Senate or Senate committee proceedings to the attention of the Speaker of the Senate (if the matter occurs in the Senate) or the committee chair (if the matter occurs in committee).

Issues of privilege, defined in the *Rules of the Senate* as “[a]n allegation that the privileges of the Senate or its members have been infringed,” must be decided upon by the Senate. Issues of order occurring in the Senate or in committee (i.e., a concern raised by a senator “that the rules, practices and procedures of the Senate have been incorrectly applied or overlooked during the proceedings, either in the Chamber or in committee”) should generally be dealt with in the Senate or in the committee where they arise. They fall within the competence of the Speaker of the Senate or the committee chair, as the case may be, and are subject to appeal.

For more information, see Appendix A – Addressing Inappropriate or Unwelcome Conduct in the Context of Parliamentary Proceedings.

1.10 Notice of an Occurrence

A person to whom this Policy applies and who experiences harassment and violence in the workplace — and persons (including persons to whom this Policy does not apply) who witness an occurrence — may provide notice of an occurrence, which is the first step in the resolution process. A notice of an occurrence will be addressed in accordance with the resolution process set out in this section.

1.10.1 Resolution Process

STEPS	PROCEDURE
<p>STEP 1 Providing notice of an occurrence</p>	<p>1.1 A person to whom this Policy applies and who experiences harassment and violence in the workplace — and persons who witness an occurrence — may notify the designated recipient of the occurrence or, if they prefer, a supervisor. However, if the principal or the responding party is a supervisor, the notice must be provided to the designated recipient only.</p> <p>1.2 The designated recipient may be contacted by phone (at 1-833-39SENAT (73628)) or by email (at designatedrecipient-senate@acosys.ca).</p> <p>1.3 The notice must contain the following information:</p> <ul style="list-style-type: none"> 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. <p>1.4 The notice may be provided in writing or orally. In respect of an oral notice, the person who provided the notice will be asked to review and attest to a written version of the notice as prepared by the person who received it.</p> <p>1.5 While a person may provide notice of an occurrence anonymously, no notice of an occurrence will proceed further if the person who is the object of the harassment and violence is not identifiable.</p> <p>1.6 If notice of an occurrence is provided to a supervisor, they must, as soon as practicable, but no later than twenty-four (24) hours after it was provided, forward the notice to the designated recipient, who will be responsible for overseeing the resolution process.</p> <p>1.7 A former employee of the Senate may provide notice of an occurrence under this Policy in relation to harassment and violence in the workplace that occurred while they were an employee of the Senate if notice of an occurrence is provided no later than three (3) months after the date of that former employee’s departure.</p>

STEPS	PROCEDURE
	<p>1.8 A notice of an occurrence is confidential, and information about it will only be disclosed for the purpose of the administration of this Policy. In particular, the identity of the parties involved in the resolution process for an occurrence cannot be revealed to either the Policy Committee or the Workplace Committee without the consent of the parties. However, the identity of the parties may be revealed to each other as part of the resolution process.</p>
<p>STEP 2 Contact with principal party, witness and responding party</p>	<p>2.1 As soon as practicable after notice of an occurrence is provided by a principal party, but no later than seven (7) days after the day on which it was provided, the designated recipient must contact the principal party to inform them</p> <ul style="list-style-type: none"> a. that their notice has been received or that they have been named or identified as the principal party in a notice provided by a witness, as the case may be; b. the manner in which this Policy is accessed; c. of each step of the resolution process; and d. that they may be represented by a person of their choosing during the resolution process (see section 1.10.6 (Representation) of this Policy). <p>2.2 If notice of an occurrence is provided by a witness who is not anonymous, the designated recipient must, as soon as practicable after the notice is provided, but no later than seven (7) days after the day on which it was provided, contact the witness to confirm that the notice was received.</p> <p>2.3 The responding party, even if known, is not contacted immediately, but may be contacted at a subsequent stage of the resolution process. On the first occasion that the designated recipient contacts the responding party in relation to the occurrence, they must inform them</p> <ul style="list-style-type: none"> a. that they have been named or identified as the responding party in a notice of an occurrence; b. the manner in which this Policy is accessed; c. of each step of the resolution process; and d. that they may be represented by a person of their choosing during the resolution process (see section 1.10.6 (Representation) of this Policy). <p>2.4 Once the responding party has been contacted in relation to the occurrence, the designated recipient must inform the applicable notified authority that</p>

STEPS	PROCEDURE
	notice of an occurrence has been provided along with the identity of the responding party.
<p>STEP 3</p> <p>Negotiated resolution</p>	<p>3.1 As soon as practicable after the designated recipient has made initial contact with the principal party, but no later than forty-five (45) days after the day on which notice of the occurrence was provided, the designated recipient must contact the principal party to discuss the occurrence, clarify what was submitted in the notice, and attempt to reach resolution.</p> <p>3.2 As part of this step, the designated recipient will review the notice of an occurrence that was provided against the definition of harassment and violence in the <i>Canada Labour Code</i> and try to make a determination with the principal party as to whether the occurrence meets the definition. If appropriate, the designated recipient will also assess if any preventative or precautionary measures are required (e.g., physical or organizational reassignment) to accommodate and protect the principal party until the matter is resolved. The designated recipient will inform the Senate Human Resources Directorate accordingly.</p> <p>3.3 If both the designated recipient and the principal party <u>agree</u> that the occurrence does not meet the definition, then the occurrence will be deemed resolved within the meaning of this Policy. If the designated recipient and the principal party <u>do not agree</u> as to whether the occurrence meets the definition and the principal party wishes to continue with the resolution process, then the principal party has the option of either continuing with negotiated resolution or pursuing conciliation and/or an investigation.</p> <p>3.4 If the principal party wishes to continue with negotiated resolution, they must inform the designated recipient of this decision. The designated recipient will schedule a series of meetings with the principal party and, where applicable, the responding party, to discuss the occurrence and attempt to achieve resolution. The responding party does not have to be informed of the principal party's notice of an occurrence or be involved at this stage of the resolution process if the principal party does not wish for them to be notified and/or involved. In addition, the appropriate decision-making authority — or any other appropriate Senate authority — may also be involved in negotiated resolution as appropriate and provided the principal party consents.</p>
<p>STEP 4</p> <p>Conciliation</p>	<p>4.1 A principal party and responding party may engage in conciliation at any time during the resolution process (subject to step 5.2). However, conciliation can only proceed if both the principal party and the responding party mutually agree to engage in conciliation and agree on the person who will facilitate the conciliation.</p> <p>4.2 The principal party and responding party are required to inform the designated recipient of their desire to participate in conciliation. The designated</p>

STEPS	PROCEDURE	
	recipient will then facilitate discussion around the selection of a conciliator that both parties find acceptable and will schedule time for both parties to meet with the conciliator.	
<p>STEP 5 Investigation</p>	<p>5.1 The principal party may request an investigation at any time during the resolution process. If the principal party wishes to proceed with an investigation of the circumstances of the occurrence, they must inform the designated recipient, who will then provide notice of an investigation to the principal and responding parties.</p> <p>5.2 Negotiated resolution and conciliation may continue during an investigation, but not after the investigator has provided their final report and summary report.</p> <p>5.3 The designated recipient will then select an investigator from a list that has been developed or identified by the subcommittee and the Policy Committee jointly.</p> <p>5.4 A person may only serve as an investigator if they</p> <ul style="list-style-type: none"> a. possess the knowledge, training and experience referred to in subsection 28(1) of the Regulations; and b. provide the designated recipient, principal party, and responding party with a written statement indicating that the person is not in a conflict of interest in respect of the occurrence. <p>5.5 The selected investigator will investigate the occurrence, applying the principles of procedural fairness and fundamental justice.</p>	
<p>STEP 6 Reports – responding parties</p>	<p>Responding Party Other than a Senator</p> <p>6A.1 Within two (2) months of being selected, the investigator will submit to the designated recipient</p> <ul style="list-style-type: none"> a. a final report providing a description of the occurrence and setting out their detailed conclusions as to whether any conduct constituting harassment and violence occurred; and b. a summary report outlining a general description of the 	<p>Senator as Responding Party</p> <p>6B.1 Within two (2) months of being selected, the investigator will submit to the designated recipient</p> <ul style="list-style-type: none"> a. a final report providing a description of the occurrence and setting out their detailed conclusions as to whether any conduct constituting harassment and violence occurred; and b. a summary report outlining a general description of the occurrence, their conclusions, and

STEPS	PROCEDURE	
	<p>occurrence, their conclusions, and their recommendations to eliminate or minimize the risk of a similar occurrence, but the report must not reveal, directly or indirectly, the identity of the persons who were involved in the occurrence or the resolution process for the occurrence.</p> <p>6A.2 Within twenty-four (24) hours of receiving the reports, the designated recipient must provide</p> <ul style="list-style-type: none"> a. a copy of the final report to the principal party, the responding party and the decision-making authority; and b. a copy of the summary report to the principal party, the responding party, the decision-making authority, and the Workplace Committee. <p>6A.3 Within twenty-one (21) days of receiving the investigator’s final report, the principal and responding parties may each make final written submissions to the decision-making authority in relation to the content of the final report. The decision-making authority will provide a copy of the responding party’s final written submission to the principal party and a copy of the principal party’s final written submission to the responding party.</p>	<p>their recommendations to eliminate or minimize the risk of a similar occurrence, but the report must not reveal, directly or indirectly, the identity of the persons who were involved in the occurrence or the resolution process for the occurrence.</p> <p>6B.2 Within twenty-four (24) hours of receiving the reports, the designated recipient must provide</p> <ul style="list-style-type: none"> a. a copy of the final report to the principal party, the responding party, and the Senate Ethics Officer (SEO); and b. a copy of the summary report to the principal party, the responding party, the subcommittee, and the Workplace Committee.
<p>STEP 7</p> <p>Joint consideration of the summary report</p>	<p>7.1 Within twenty-one (21) days of receiving the summary report, the decision-making authority and the Workplace Committee will meet to determine which of the recommendations in the investigator’s summary report are to be implemented. If a recommendation falls outside the authority of the decision-making authority, that recommendation will be referred to the appropriate Senate authority for consideration. Any recommendation agreed upon between the Workplace Committee and the appropriate Senate authority will be</p>	

STEPS	PROCEDURE	
	<p>implemented within one year after the day on which notice of the occurrence is provided.</p> <p>7.2 The purpose of this step is for the decision-making authority and the Workplace Committee to assess what steps can be taken by the Senate in order to eliminate or minimize the risk of a similar occurrence. They cannot, on the basis of the summary report, take disciplinary action against a responding party or provide any remedy to the principal party. These types of measures may be considered by the appropriate authority on the basis of the final report, in accordance with the process set out in either step 8A or 8B. Remedial measures may also be sought by a principal party through another applicable recourse (see section 1.9.3 (other recourse)).</p>	
<p>STEP 8 Further action – responding parties</p>	<p>Responding Party Other than a Senator</p> <p>8A.1 Within twenty-one (21) days of receiving any final written submissions on the investigator’s final report — or the expiry of this time period if no final submissions are received — the decision-making authority will decide whether to accept or reject the final report in whole or in part.</p> <p>8A.2 The decision-making authority determines any remedial, corrective, or disciplinary measures to impose on the responding party in respect of any conduct constituting harassment and violence. The decision-making authority may consult the Chief Human Resources Officer for advice on remedial, corrective, or disciplinary measures.</p> <p>8A.3 The decision-making authority will inform the principal and responding parties, as well as the applicable notified authority, of its decision to accept or reject the investigator’s final report in whole or in part. The decision-making authority will also inform the responding party and the notified authority of any remedial, corrective, or disciplinary</p>	<p>Senator as Responding Party</p> <p>8B.1 The SEO may consider the investigator’s final report and may report to the Standing Committee on Ethics and Conflict of Interest for Senators (“CONF”).</p> <p>8B.2 CONF may consider a report of the SEO and recommend disciplinary measures to the Senate or refer the matter confidentially to the subcommittee for the consideration and imposition of any appropriate remedial or corrective measures. In the event of such referral, the subcommittee will proceed without delay to the consideration of the matter and may consult with the Chief Human Resources Officer for advice in relation to the imposition of appropriate measures.</p> <p>8B.3 The subcommittee will inform the responding party and the applicable notified authority, of any remedial or corrective measures to be imposed. Remedial or corrective measures remain confidential and – unless disclosure is required for their implementation – are not to be shared with the principal party.</p>

STEPS	PROCEDURE	
	measures to be imposed. Remedial, corrective, or disciplinary measures remain confidential and — unless disclosure is required for their implementation — are not to be shared with the principal party.	

1.10.2 Timelines

The deadlines or time limits established in the resolution process are to be respected. Except as provided below, the resolution process must be completed no later than six (6) months after the day on which notice of the occurrence is provided.

The deadlines and time limits established in the resolution process may be modified by agreement between the parties or if, in the opinion of the designated recipient, there are extenuating circumstances.

However, in accordance with the Regulations, the joint consideration of the summary report and the implementation of the recommendations agreed upon (Step 7) must occur within one (1) year after the day on which notice of an occurrence is provided. If, however, the principal or responding party is temporarily absent from work for more than ninety (90) consecutive days after the day on which notice of the occurrence is provided, that step must be completed within the later of one (1) year after the day on which notice of the occurrence is provided and six (6) months after the day on which the party returns to work.

To the extent that parliamentary business allows, actions to be undertaken by a Senate committee, Senate subcommittee, or the Senate in relation to this Policy are expected to be undertaken within the deadlines indicated herein; however, for greater certainty, these deadlines are not binding in respect of the work of a Senate committee, Senate subcommittee, or the Senate except as indicated above in relation to the joint consideration of the summary report and the implementation of the recommendations (Step 7).

1.10.3 Monthly Update

For every notice of an occurrence provided under this Policy, the designated recipient must provide monthly updates regarding the status of the resolution process to

- a. the principal party, beginning on the first month after the month in which notice is provided and ending on the month in which the resolution process is completed; and
- b. the responding party, beginning on the first month after the month in which the responding party is first contacted by the designated recipient concerning the occurrence and ending on the month in which the resolution process is completed.

1.10.4 New Occurrence

If, during an investigation, the investigator is presented with information that could form the basis of a new occurrence, the investigator will inform and consult with the designated recipient to determine whether

- a. the new information falls within the notice of an occurrence being investigated; or
- b. a new notice of an occurrence should be provided to the designated recipient.

1.10.5 Cooperation

Every person to whom this Policy applies has an obligation to cooperate fully with any investigation. Should a party not cooperate or make themselves available to the investigator as requested, the latter will inform the decision-making authority for direction to resolve the issue.

In other situations of lack of cooperation occurring in the course of the resolution process, the designated recipient may refer the matter to the decision-making authority for direction.

1.10.6 Representation

A principal party, responding party, or witness may be accompanied or represented by a union representative, friend, partner, colleague, or person of their choosing, at any time during the resolution process. However, the representative must not be a witness to the alleged occurrence. In addition, the representative must keep all matters under this Policy confidential. If appropriate, a non-disclosure agreement may be required as a condition of representation.

The representative designated by the principal or responding party may be able to speak on behalf of the person they represent, but only regarding procedural and administrative matters related to the resolution process, such as scheduling meetings and/or interviews, or receiving updates on the status of the resolution process.

The principal and responding parties are still required to personally provide information and respond to questions regarding the occurrence during negotiated resolution, conciliation, or the investigation.

1.10.7 Recusal

Every principal party, responding party, or witness who is part of the decision-making authority, notified authority, or Workplace Committee considering an alleged occurrence must recuse themselves from any consideration or decision-making in respect of the matter by that authority. Where the responding party is an employee of the Senate Administration and the decision-making authority is a person who must recuse themselves, their immediate supervisor or supervisory authority (as the case may be) is to act in their place as the decision-making authority.

1.10.8 Principal Party's Choice

The principal party may end the resolution process at any time before the investigator submits its final report and summary report to the principal and responding parties by informing the designated recipient that they choose not to continue with the process. If the responding party and the notified authority have already been contacted in relation to the notice of an occurrence, the designated recipient must inform them of the principal party's decision not to continue with the process.

While the principal party may choose to end the resolution process, nothing in this Policy limits any existing authority to impose disciplinary measures on any person to whom this Policy applies. Disciplinary measures could be imposed if sufficient evidence of unwelcome or inappropriate conduct is available to the appropriate authority even though the resolution process under the Policy has ended.

1.10.9 Parliamentary Proceedings

If a responding party believes that the notice of an occurrence relates to conduct that occurred in the course of Senate or committee proceedings, they may ask CIBA for a determination of whether the alleged conduct falls outside the scope of this Policy. If CIBA determines that the alleged conduct falls outside the scope of this Policy, it must direct the designated recipient to immediately end the resolution process and inform the principal party and notified authority accordingly.

1.10.10 Contractor, Student, Intern, or Volunteer

For the purposes of the interpretation and application of this Policy,

- a notice of an occurrence in which a person providing services to a senator under a contract for services or a student, intern, or volunteer working in a senator's office is identified as the responding party is to be treated in the same manner as if the responding party were a senator's staff member; and
- a notice of an occurrence in which a person providing services to the Senate Administration under a contract for services or a student, intern, or volunteer working for the Senate Administration is identified as the responding party is to be treated in the same manner as if the responding party were a Senate Administration employee.

1.11 Authorities

The table that follows identifies the decision-making authority and notified authority based on each category of responding party.

RESPONDING PARTY	DECISION-MAKING AUTHORITY	NOTIFIED AUTHORITY
Senator	Subcommittee of CIBA designated for the purposes of this Policy	The leader (or their designate) of the responding-party senator's

RESPONDING PARTY	DECISION-MAKING AUTHORITY	NOTIFIED AUTHORITY
		recognized party or recognized parliamentary group. There is no notified authority if the responding-party senator is unaffiliated.
Senators' Staff Member	Steering Committee of CIBA	The senator to whom the responding-party staff member reports; however, if the senator is the principal party, the leader (or their designate) of the party or recognized parliamentary group to which the principal party senator belongs is notified (if one exists).
Executive Committee Member	Steering Committee of CIBA	Steering Committee of CIBA
Senate Administration Employee	The director (or equivalent) responsible for management or supervision of the employee	Chief Human Resources Officer

1.12 Workplace Assessment Review and Update

The subcommittee and the Workplace Committee will conduct a joint review of the workplace assessment — updating it if necessary — if an employee provides notice of an occurrence and the resolution process cannot proceed because

- a. the principal party chooses to end the resolution process at any point during the resolution process without the occurrence being resolved; or
- b. the responding party is not subject to this Policy (e.g., the responding party is a member of the public or a committee witness).

The purpose of the review of the workplace assessment is to

- a. consider what happened, taking into account the circumstances of the occurrence;
- b. determine whether all risk factors for harassment and violence have been appropriately identified; and
- c. develop new preventative measures, if needed, to mitigate the risk of a similar occurrence.

1.13 Emergency Procedures

If an occurrence poses an immediate danger to the health and safety of any person to whom this Policy applies, or if there is a threat of such an occurrence, any person may call the Parliamentary Protective Service emergency line at 613-992-7000 or dial 911 and notify the on-duty Corporate Security Investigator at 613-947-3387.

The Senate Corporate Security Directorate and other parliamentary security partners have jointly developed guidelines to assist parliamentarians and parliamentary employees to handle emergencies that may arise, including workplace violence; bomb threat; lockdown; shelter in place; and evacuation.

Senators and Senate employees should familiarize themselves with the emergency procedures, which may be accessed on IntraSen.

1.14 Support Measures

Senate employees may obtain support through the Employee and Family Assistance Program. More information in relation to this program, as well as other support resources, are made available to employees through IntraSen.

1.15 Complaints Related to Employer Non-Compliance with the *Canada Labour Code* or Regulations

In accordance with section 127.1 of the *Canada Labour Code*, if an employee believes there has been a contravention of Part II of the *Canada Labour Code* as it relates to an occurrence, the employee may make either an oral or written complaint to their immediate supervisor or to the Law Clerk and Parliamentary Counsel.

2.0 CONSEQUENCES FOR SENATE EMPLOYEES

If an employee of the Senate is found to have engaged in conduct constituting harassment and violence or to otherwise be in breach of this Policy, the decision-making authority will impose remedial, corrective, or disciplinary measures on the employee, as appropriate. The appropriate course of action will be case-specific; the Chief Human Resources Officer may be consulted for advice.

2.1 Remedial Measures

Remedial measures acknowledge that the conduct constitutes harassment and violence in the workplace and seek to make a principal party whole. Examples include

- an apology from the responding party; or
- expungement of negative evaluations in the employee's file that arose as reprisal for participating in any process related to this Policy.

2.2 Corrective Measures

Corrective measures are intended to help to improve or correct a person's conduct in relation to conduct that was found to constitute harassment and violence in the workplace. Examples include

- harassment and violence prevention training;
- leadership coaching;
- conflict-resolution or communication coaching;
- attendance at educational sessions on the impact of harassment and violence; or
- attendance at coaching sessions to improve communication or conflict-resolution skills.

2.3 Disciplinary Measures

Disciplinary measures are intended to impose a penalty to address the responding party's conduct that was found to constitute harassment and violence in the workplace. Depending on the circumstances, they may seek to denunciate or deter conduct, or both. Examples include

- restricted or prohibited access to the workplace and/or services;
- a verbal or written warning or reprimand;
- transfer or reassignment;
- suspension or demotion; or
- termination of employment.

3.0 CONSEQUENCES FOR SENATORS

Under the process provided in this Policy, the investigator's final report will be provided to the SEO. The SEO may report to CONF for its consideration. As appropriate, CONF may recommend disciplinary measures for consideration by the Senate, such as suspension or expulsion. CONF may also refer the matter confidentially to the subcommittee to consider and, if appropriate, impose remedial or corrective measures.

4.0 ROLES AND RESPONSIBILITIES

ROLES	RESPONSIBILITIES
Principal and Responding Parties	<ul style="list-style-type: none"> • respect the confidentiality of a notice of an occurrence and the resolution process • cooperate with the designated recipient or investigator, as the case may be • participate (if applicable) in conciliation
Standing Committee on Internal Economy, Budgets and Administration (CIBA)	<ul style="list-style-type: none"> • approves this Policy • in consultation with the Policy Committee, approves any amendment except in relation to the identity of the designated recipient • fosters a work environment free of harassment and violence • promotes this Policy to senators • commits adequate resources for the effective implementation of this Policy
Steering Committee of CIBA	<ul style="list-style-type: none"> • approves the appointment and mandate of the designated recipient • approves amendments to this Policy in relation to the identity of the designated recipient • acts as a decision-making authority or notified authority in certain contexts

ROLES	RESPONSIBILITIES
<p>Subcommittee of CIBA designated for the purposes of this Policy</p>	<ul style="list-style-type: none"> • oversees the designated recipient to ensure it effectively fulfills its mandate • jointly reviews this Policy with the Policy Committee and makes recommendations to CIBA for the Senate in specific context • jointly conducts the workplace assessment with the Policy Committee and makes recommendations regarding changes that should be made • jointly monitors and, when necessary, update the workplace assessment with the Policy Committee when there is a change to the risk factors identified or a change to the effectiveness o the preventative measures that have been developed and implemented • jointly reviews and, when necessary, updates the workplace assessment with the Policy Committee every three (3) years • jointly develops the emergency procedures with the Policy Committee • jointly identifies with the Policy Committee appropriate harassment and violence training • jointly reviews and, when necessary, updates the training with the Policy Committee at least once every three (3) years and following any change to an element of the training • jointly develops or identifies a list of investigators with the Policy Committee • jointly reviews and updates with the Workplace Committee the workplace assessment in situations in which the principal party chooses to end the resolution process but the occurrence is not resolved, or in situations in which this policy does not apply to the responding party • acts as a decision-making authority in certain contexts • receives referrals from CONF and determines remedial or corrective measures to impose on senators in certain circumstances
<p>Executive Committee</p>	<ul style="list-style-type: none"> • fosters a work environment free of harassment and violence • promotes this Policy to the Senate Administration • commits adequate resources for the effective implementation of this Policy

ROLES	RESPONSIBILITIES
<p>Designated Recipient</p>	<ul style="list-style-type: none"> • responds to all notices of an occurrence within seven (7) days of being provided with the notice • initiates negotiated resolution with the principal party within forty-five (45) days after the day on which notice of an occurrence is provided • conducts a review of every notice of an occurrence with the principal party against the definition of harassment and violence outlined in subsection 122(1) of the <i>Canada Labour Code</i> • allows the principal and responding parties the option of participating in conciliation if they both agree on who is to facilitate the conciliation • provides notice of investigation to the principal and responding parties if an investigation is requested by the principal party • ensures that a qualified investigator is selected to conduct the investigation and that the investigator is not in a conflict of interest with respect to the occurrence • ensures that the investigator is provided with all the information that is relevant to the investigation • provides monthly status updates to the principal party and responding party (when contacted) on the status of the resolution process • approves extensions to time limits set out in the resolution process if there are extenuating circumstances
<p>Policy Committee</p>	<ul style="list-style-type: none"> • jointly reviews this Policy with the subcommittee and makes recommendations to CIBA in specific contexts • jointly conducts the workplace assessment with the subcommittee and makes recommendations regarding changes that should be made • jointly monitors and, when necessary, updates the workplace assessment with the subcommittee when there is a change to the risk factors identified or a change to the effectiveness of the preventive measures that have been developed and implemented • jointly reviews and, when necessary, updates the workplace assessment with the subcommittee every three (3) years • jointly develops the emergency procedures with the subcommittee • jointly identifies with the subcommittee appropriate harassment and violence training • jointly reviews and, when necessary, updates the training with the subcommittee at least once every three (3) years and following any change to an element of the training • jointly develops or identifies a list of investigators with the subcommittee

ROLES	RESPONSIBILITIES
<p>Workplace Committee</p>	<ul style="list-style-type: none"> • jointly reviews and updates with the subcommittee the workplace assessment in situations in which the principal party chooses to end the resolution process but the occurrence is not resolved, or in situations in which this policy does not apply to the responding party and refers the results of the review and update to the Policy Committee if appropriate • jointly determines with the appropriate decision-making authority which of the recommendations from the investigator’s summary report are appropriate to implement
<p>Leaders — Senators, Managers, and Employees with Supervisory Functions</p>	<ul style="list-style-type: none"> • lead by example and act respectfully in dealings with employees and other persons • support and apply this Policy • act promptly to resolve or to bring to the attention of the appropriate authority any conduct about which they are aware that is incompatible with this Policy, including allegations of reprisal • act as a notified authority in certain contexts and implement (as applicable) remedial, corrective, or disciplinary measures as determined by the decision-making authority • act as a decision-making authority in certain contexts • forward any notice of an occurrence that they receive under this Policy to the designated recipient
<p>Senators, Senate Employees, Independent Contractors, Students, Interns, and Volunteers</p>	<ul style="list-style-type: none"> • act at all times in a respectful manner in dealings with others and ensure that their own conduct contributes to a culture of respect • be familiar with this Policy • if possible, inform persons whose conduct is offensive that their conduct is objectionable and unwelcome and ask them to stop • make every effort to resolve any situation in which they may feel uncomfortable or offended as soon as it arises and before it escalates • provide the designated recipient or, if they prefer, a supervisor with notice of any occurrence to which they are subject or that they witness, in accordance with this Policy • adhere to confidentiality requirements, including by avoiding any informal discussion of notices of an occurrence about which they have knowledge • provide notice of an occurrence in a situation in which they witness or experience harassment and violence • cooperate in the resolution or investigation of notices of an occurrence.

ROLES	RESPONSIBILITIES
Chief Human Resources Officer	<ul style="list-style-type: none"> • acts as a notified authority in certain contexts • provides advice to a decision-making authority regarding appropriate remedial, corrective, or disciplinary measures, as needed • confidentially provides contact information for employees, former employees, or senators upon request by the designated recipient or the investigator • promotes harassment and violence prevention • implements the mandatory anti-harassment and violence training program • reports occurrences of harassment and violence that result in a fatality to the Minister of Labour within twenty-four (24) hours of being notified of an occurrence • provides the Minister of Labour with an annual report that aggregates data on all occurrences of harassment and violence, as described in paragraph 36(d) of the Regulations
Corporate Security Directorate	<ul style="list-style-type: none"> • provides advice to the subcommittee and the Policy Committee, as required, with respect to the emergency procedures
Leader (or their Designate) of a Recognized Party or Recognized Parliamentary Group	<ul style="list-style-type: none"> • acts as a notified authority in certain contexts
Witnesses	<ul style="list-style-type: none"> • if comfortable, address inappropriate conduct with any person who engages in it • offer support to a person who is being harassed and remind them of their rights under this Policy • may communicate concerns or report the problematic conduct themselves to a person in authority that they trust, to the Human Resources Directorate, or to the designated recipient • provide notice of an occurrence in a situation in which they witness harassment and violence
Witnesses Involved in the Resolution of a Notice of an Occurrence	<ul style="list-style-type: none"> • respect the confidentiality of a notice of an occurrence and the resolution process • cooperate with the designated recipient and investigator

ROLES	RESPONSIBILITIES
Representatives and Support Persons	<ul style="list-style-type: none"> • represent and/or accompany and assist a principal party, responding party, or witness in matters related to this Policy • respect the confidentiality of a notice of an occurrence and the resolution process

5.0 ADMINISTRATION

5.1 Enquiries

For further information about this Policy, contact the Chief Human Resources Officer.

5.2 Review Schedule

This Policy is subject to regular three-year (3-year) reviews, the first of which must occur within three (3) years following its adoption or earlier at the discretion of the subcommittee. This Policy is also to be reviewed following any changes to an element of this policy that is required under subsection 10(2) of the Regulations.

The review is to be conducted jointly by the subcommittee and the Policy Committee. The subcommittee and the Policy Committee will report to CIBA with respect to any recommended amendment to this Policy that results from a review.

5.3 Monitoring and Reporting

To better assess the nature and extent of harassment and violence in the Senate workplace, to inform Policy review, and to ensure proper reporting to the Minister of Labour, the designated recipient will assist in monitoring the workplace by collecting and providing regular relevant statistical data regarding the notices of occurrence that it handles to the Chief Human Resources Officer for the subcommittee. This report will include

- a. the total number of occurrences;
- b. the number of occurrences that were related, respectively, to sexual harassment and violence and to non-sexual harassment and violence;
- c. the number of occurrences, if any, that resulted in the death of an employee;
- d. the number of occurrences, if known, that fell under each prohibited ground of discrimination set out in subsection 3(1) of the *Canadian Human Rights Act*;
- e. the locations where the occurrences took place, specifying the total number of occurrences that took place in each location;

- f. the types of professional relationships that existed between the principal and responding parties, specifying the total number for each type;
- g. the means set out in section 32 of the Regulations by which resolution processes were completed and, for each of those means, the number of occurrences involved; and
- h. the average time, expressed in months, that it took to complete the resolution process for an occurrence.

Based on their observations, the designated recipient may also make recommendations to the subcommittee for improvements to this Policy. The designated recipient may also suggest — and managers may ask for — a targeted workplace assessment to be conducted in a specific area on an as-needed basis.

6.0 REFERENCES

Canada Labour Code

Canadian Human Rights Act

Code of Conduct of the Senate Administration

Collective agreements

Ethics and Conflict of Interest Code for Senators

Parliamentary Employment and Staff Relations Act

Statement of Values and Ethics of the Senate Administration

Terms and Conditions of Unrepresented Employees within the Senate Administration

Work Place Harassment and Violence Prevention Regulations

APPENDIX A – ADDRESSING INAPPROPRIATE OR UNWELCOME CONDUCT IN THE CONTEXT OF PARLIAMENTARY PROCEEDINGS

This Policy does not apply to conduct that forms part of parliamentary proceedings; however, senators, Senate employees and witnesses are expected to refrain from conduct prohibited by this Policy at all times. Parliamentary procedures and practices are available to senators who wish to raise concerns about their colleagues' conduct. While only senators may use parliamentary procedures and practices to raise concerns during proceedings, they may do so on behalf of others or in relation to conduct that was directed at a person who is not a senator. To this end, persons impacted by a senator's conduct during proceedings may approach a senator to raise the matter through parliamentary channels.

Senators have a responsibility to maintain order and decorum and should bring any concerns about conduct to the attention of the Speaker of the Senate or a committee chair, as the case may be. To that end, the information below reflects parliamentary procedures and practices as understood at the time of this Policy's adoption – it may be superseded by an evolution in Senate practices or modifications to the *Rules of the Senate*.

Conduct in the Senate Chamber

If a senator feels that inappropriate or unwelcome conduct has occurred in the context of a proceeding in the Senate Chamber, they may raise a point of order or a question of privilege under certain conditions, depending on the nature of the concern. If necessary, the Speaker will determine if a *prima facie* (at first glance) question of privilege has been established. This decision is subject to appeal to the Senate.

The Senate may also seek to address the conduct of senators through its decisions on motions. These could include the decision to impose a disciplinary sanction on a senator or to ask a committee to consider particular conduct and make recommendations for the Senate's consideration.

Conduct in Committee

If a senator feels that they have or someone else has experienced inappropriate or unwelcome conduct – including harassment and violence – in the context of a committee proceeding, they may raise a point of order. The committee may consider the matter, the chair can rule, subject to appeal to the committee. As noted earlier, issues of order relating to committee should be dealt with in committee and are not typically raised in the Senate. It should be noted that committees elect their chairs and may elect a new chair at any time, including if they have concerns with their chair's conduct.

Depending on the nature of the concern – if it involved a violation of privilege – a senator could raise the matter as a question of privilege in the Senate. There may be other procedural options to also address certain conduct concerns.

APPENDIX B – EXAMPLES OF WORKPLACE HARASSMENT AND VIOLENCE CONDUCT

<p>Workplace violence may include but is not limited to:</p> <ul style="list-style-type: none"> • verbally threatening to attack a worker; • leaving threatening notes or sending threatening emails to someone at work; • shaking a fist in a worker’s face; • wielding a weapon at work; • hitting or trying to hit a worker; • sexual violence against a worker; • kicking an object, the worker is standing on, such as a ladder; and • trying to run down a worker using a vehicle or equipment such as a forklift. 	<p>Workplace harassment may include but is not limited to:</p> <ul style="list-style-type: none"> • offensive or intimidating comments or jokes; • bullying or aggressive conduct; • displaying or circulation offensive pictures or materials; • inappropriate staring; • repeated offensive or intimidating phone calls, emails or texts; • workplace sexual harassment; • isolating or making fun of an employee because of gender identity; • sexist remarks; • racist remarks; • homophobic remarks; and • transphobic remarks. <p>Workplace sexual harassment may include but is not limited to:</p> <ul style="list-style-type: none"> • asking questions, talking or writing about personal sexual activities; • rough or vulgar humour or language related to sexuality; • displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form; • leering or inappropriate staring; • invading personal space; • unnecessary physical contact, including inappropriate touching; • demanding hugs, dates, or sexual favours • making gender-related comments about someone’s physical characteristics, mannerisms, or conformity to sex-role stereotypes; and • verbally abusing, threatening or taunting someone based on gender or sexual orientation. • Threatening to penalize or otherwise punish a worker if they refuse sexual advances.
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