



Harassment Prevention And Resolution Guidelines

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OPI: SACM

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PART 1 – POLICY

1.1 Introduction

As the delegated authority for the Staff of the Non-Public Funds, Canadian Forces (NPF), the CEO, Staff of NPF, CF has an obligation to provide a positive and harassment free workplace to all employees. In support of that obligation, the CEO has issued the NPF Harassment Prevention and Resolution Policy (the Policy), the NPF Harassment Prevention and Resolution Guidelines (the Guidelines), and the NPF policy on Conflict Management Services.

These Guidelines should be read within the context of the NPF Harassment Prevention and Resolution Policy and the NPF Values and Ethics Policy.

In keeping with the Policy, NPF is committed to having a harassment-free workplace. It is the responsibility of all employees to ensure a positive and harassment free workplace by treating others fairly, respectfully and with dignity at all times. While Division Heads are accountable for the policy, Managers have a particular responsibility for creating and maintaining a positive and harassment free workplace and for responding quickly to issues that arise.

Harassment is serious and needs to be addressed promptly, with sensitivity, competence and discretion. The primary goal is to resolve allegations of harassment in the most informal way possible, with the least disruption possible for the parties involved and for the workplace. While the seriousness of harassment allegations calls for access to a careful and rigorous process from the outset, it is consistent with such a process that many cases may, upon closer exploration and with the consent of all parties, be effectively dealt with through informal resolution processes as outlined in the NPF Conflict Management Services policy.

1.2 Objective

The objectives of these Guidelines are to:

- a. establish the roles and responsibilities of the parties involved in the harassment resolution process,
- b. describe the minimum requirements of the complaint resolution process in order to ensure the timely and efficient resolution of complaints,
- c. provide guidance in determining jurisdiction and procedures for complaints involving non NPF employees, and
- d. outline the requirement for workplace restoration initiatives to support a positive and harassment free workplace for employees.

1.3 Application

The Policy and Guidelines apply to all Staff of the Non-Public Fund, Canadian Forces (NPF) employees.

In circumstances where a complaint includes an individual that is not an employee of NPF as defined in Appendix A, Responsible Officers (Division Heads or Delegated Authorities) and managers must apply the complaint process as established in the Guidelines to the extent possible. See Part 4 of the Guidelines for specific details.

1.4 Indemnity and Legal Assistance

Provided that employees involved in harassment complaints under the Policy acted honestly and without malice within the scope of their duties or employment, and met reasonable employer expectations, it is NPF policy to indemnify them and to provide legal assistance to them.

PART 2 – ROLES AND RESPONSABILITIES

2.1 Responsible Officers (RO)

Responsible Officers (RO) are responsible for applying the NPF Harassment Prevention and Resolution Policy and Guidelines and ensuring that all employees have a positive and harassment free workplace.

The Division Head or their delegate act as RO for their divisions.

Responsible Officers have a responsibility to:

- a. ensure that harassment complaints are dealt with appropriately and expeditiously;
- b. ensure that every effort is made to resolve workplace conflict and harassment complaints using informal resolution processes;
- c. determine whether the Complainant and the Respondent should be physically and/or hierarchically separated from each other for the period of the resolution;
- d. ensure that all employees involved in a complaint are given the opportunity to have a Complaint Assistant;
- e. take action to prevent retaliation against any individual involved in a harassment complaint;
- f. review complaint documentation to determine appropriate course of action;
- g. convene harassment investigations when appropriate;
- h. ensure the Complainant and Respondents are advised in writing of the results of an investigation;
- i. with assistance from the Senior Advisor Conflict Management (SACM), determine the necessary corrective, remedial or restorative actions to be taken to resolve a situation or complaint, whether harassment is founded or not;
- j. ensure that the persons involved in a situation or complaint are treated fairly;
- k. ensure that both the Complainant and the Respondent are kept informed during the complaint resolution process; and

- l. ensure that corrective measures have been effective and that problems are not recurring; and
- m. treat all information regarding the complaint and resolution process in a discreet and sensitive manner, in accordance with the provisions of the *Privacy Act*.

If an RO becomes aware of a real, apparent or potential conflict of interest with a particular harassment complaint, the RO must consult with the SACM immediately and may be required to remove him or herself from that harassment complaint process.

2.2 Complainant

The Complainant has the right:

- a. to be treated fairly;
- b. to submit a complaint and have it reviewed in a prompt, sensitive and impartial manner;
- c. to submit a complaint without fear of retaliation;
- d. to be assisted by a Complaint Assistant;
- e. that documentation related to the complaint will not be placed on their personnel file, unless the complaint is found to be made in bad faith; and
- f. to obtain information about the review of their complaint, subject to the *Access to Information Act* and the *Privacy Act*.

The Complainant has the responsibility:

- a. where possible and safe to do so, request that the offending behaviour cease;
- b. to raise the matter with the immediate supervisor, or higher authority, if the immediate supervisor is the perceived respondent;
- c. if a complaint is filed, to clearly state the allegations of their complaint, providing sufficient details of the incident(s), such as date, time, and location;
- d. to participate cooperatively in the assessment of the complaint. This includes responding promptly to requests for information;

- e. to consider participating in informal resolution processes;
- f. to participate cooperatively in the resolution process being pursued. This includes being available for meetings with the RO, managers, mediators or investigators; and
- g. to maintain confidentiality, because discussion of a complaint with persons not involved in the complaint can be detrimental to achieving a resolution.

2.3 Respondent

The Respondent has the right:

- a. to be treated fairly;
- b. to be notified promptly that a complaint has been filed against them;
- c. to be provided with a copy of the written complaint;
- d. to respond to the allegations;
- e. to be assisted by a Complaint Assistant;
- f. that documentation related to the complaint will not be placed on their personnel file if the complaint is not founded; and
- g. to obtain information related to the review of the complaint, subject to the *Access to Information Act* and the *Privacy Act*.

The Respondent has the responsibility:

- a. to cease immediately any improper or unwelcome behaviour when requested to do so by a Complainant or a Supervisor;
- b. to promptly and clearly respond to the allegations of a complaint against them, providing sufficient details of the incident(s), such as date, time and location;
- c. to participate cooperatively in the assessment of the complaint. This includes responding promptly to requests for information;
- d. to consider participating in informal resolution processes;
- e. to participate cooperatively in the resolution process being pursued. This includes being available for meetings with the RO, managers, mediators or investigators; and

- f. to maintain confidentiality, because discussion of a complaint with persons not involved in the complaint can be detrimental to achieving a resolution.

2.4 Complaint Assistants

A complaint assistant may be chosen by the Complainant or the Respondent, such as a friend, colleague, or union representative, or be provided to the Complainant or Respondent by the Conflict Management Office.

Complaint Assistants can provide moral support and assist Complainants and Respondents in the preparation of documents and in preparing for meetings during any resolution process associated with a complaint. The support of a complaint assistant is not intended to be legal advice.

Complaint Assistants may accompany Complainants or Respondents to interviews, sessions or meetings associated with the resolution processes being pursued, but may not, barring exceptional circumstances, speak on the behalf of the Complainant or Respondent.

Complaint Assistants have a responsibility to:

- a. meet with the Complainant or Respondent;
- b. share knowledge of the Harassment Prevention and Resolution Policy and Guidelines;
- c. help evaluate resolution options;
- d. help prepare statements or material for presentation; and
- e. maintain confidentiality.

2.5 Managers and Supervisors

Managers and supervisors promote and ensure a positive and harassment-free workplace. They must be alert to symptoms of possible harassment in the workplace, such as rumors, absenteeism, decreased motivation, lower job performance and staff turnover, and work to prevent harassment among employees under their direction.

Managers and supervisors have a responsibility to:

- a. model appropriate workplace behaviour;
- b. ensure that employees are aware of their rights and responsibilities under the NPF Harassment Prevention and Resolution Policy and Guidelines;
- c. take prompt action to correct inappropriate behaviour;
- d. intervene in possible harassment or workplace conflict situations at an early stage; and
- e. follow up to ensure that timely restorative, corrective and/or disciplinary measures are taken, if warranted.

Disciplinary measures may also be taken against any manager who is aware of a harassment situation and fails to take corrective action or anyone who interferes with the resolution of a complaint with threats, intimidation or retaliation.

2.6 Employees

All employees have the responsibility to comply with the Policy and Guidelines and to promote and maintain a positive and harassment free workplace. All employees have the right to be treated with fairness, dignity and respect and in turn have a corresponding responsibility to treat others in the same way.

All employees have a responsibility to:

- a. participate regularly in harassment awareness sessions;
- b. refrain from conduct that could constitute harassment;
- c. report any possible harassment they observe in the workplace;
- d. take reasonable action when they believe they are being subjected to harassment; and
- e. encourage and support others to take action if they believe they are being subjected to harassment.

PART 3 – HARASSMENT RESOLUTION PROCESS

Individuals experiencing a possible harassment situation are encouraged, when appropriate, to address it directly with the other person. Before talking to the other person, the individual can seek assistance from a resource person such as a supervisor, manager, union representative or an Advisor from the Conflict Management Office to help prepare for the conversation.

Help in resolving the situation can also be sought from the individual's immediate supervisor, or someone else in the individual's chain of command, to an appropriate higher authority, if the other person is the immediate supervisor.

Supervisors can be instrumental in facilitating the resolution of a possible harassment situation by assisting the parties with the identification of issues and by addressing possible inappropriate behaviours. Supervisors can also initiate training and team development activities.

Supervisors dealing with a possible harassment situation are encouraged to consult the Conflict Management Office or the SACM.

At any point in the process, parties can contact the Conflict Management Office for help, support or informal resolution processes.

For more information about informal resolution processes refer to the Conflict Management Services Policy, call the Conflict Management Office, or visit the Conflict Management Office's website at www.cfmws.com/harassment.

3.1 Submitting a Complaint

A complaint may be submitted to a manager or supervisor, the Human Resources Office, the Conflict Management Office or to the Division Head.

A complaint should include the following information:

- a. the name of the Complainant;
- b. name of the Respondent;
- c. the organizational relationship between the Complainant and the Respondent;
- d. details of the alleged behaviour, including the date(s), time(s) and location(s) of the specific incident(s);
- e. the impact of the alleged harassment on the complainant;

- f. the names, and contact information of any witnesses; and
- g. The desired resolution of the Complainant.

Complainants can use the harassment complaint form found in Appendix B.

Note: If there are more than one Respondents, a separate complaint must be completed and filed.

3.2 Receipt of a Complaint

A person who receives a complaint shall, within the scope of their authority, take immediate action to:

- a. stop any ongoing improper or unwelcome behaviour; and
- b. forward the complaint to the RO.

Where the RO is the Respondent, or where the Respondent is of equal or higher rank/classification to the RO, a person who receives a complaint shall forward the complaint directly to the appropriate higher authority.

On receipt of a complaint, the RO shall:

- a. advise the SACM of the complaint;
- b. acknowledge receipt of the complaint to the Complainant;
- c. notify the Respondent that a complaint has been received, unless a criminal offence is evident, and provide the Respondent with a copy of the complaint;
- d. ensure that the Complainant and the Respondent are informed of their rights and responsibilities;
- e. offer the Complainant and the Respondent access to a Complaint Assistant; and
- f. ensure that any health and safety issues are addressed immediately.

The parties' managers will be made aware of the situation, on a need to know basis, so that they can manage the impact of the complaint on the workplace, support the parties throughout any resolution process and maintain operational effectiveness.

3.3 Criteria

Upon completing the initial action, the RO will, in consultation with the SACM, review the complaint for the following criteria:

- a. the complaint contains the information outlined in section 3.1;
- b. the allegations, as stated, meet the definition of Harassment in Appendix A;
- c. the complaint has been signed and dated by the Complainant; and
- d. the complaint has been filed within a reasonable amount of time and no more than 12 months since the last incident.

A complaint may be accepted past 12 months if the RO determines that there are reasonable extenuating circumstances.

If the criteria are met, the RO may accept the complaint. If the criteria are not met, the RO will not accept the complaint.

3.4 Complaint Accepted

The Complainant and the Respondent will be informed in writing if the criteria in section 3.3 are met and the complaint is accepted.

3.5 Complaint Not Accepted

The Complainant and the Respondent will be informed by the RO in writing if the criteria in section 3.3 are not met and the complaint is not accepted.

If the complaint is not accepted, the RO shall ensure that the matter is dealt with in an appropriate manner, separate from the Policy and the Guidelines, such as referring the complaint to the Conflict Management Office or suggesting other means of resolution. Many behaviours that do not meet the definition of harassment still undermine a positive workplace.

3.6 Information Gathering

After the complaint has been accepted, the RO, in consultation with the SACM, will gather information regarding the allegations of harassment in order to make a decision as to whether or not harassment is founded.

At this time, the Respondent will be provided with an opportunity to respond to the allegations made in the Complaint.

At any point during the complaint process the RO may request additional information from either party to assist in the review of the complaint.

3.7 Investigation

If information gathering has not provided adequate information to render a decision, the RO may initiate an investigation. The Complainant and the Respondent will be informed in writing by the RO if an investigation is initiated.

An investigation is an examination of the circumstances surrounding the allegations in the complaint to determine all relevant factors and circumstances that will assist the RO in making a reasonable decision. An investigation may be done by an internal or external investigator and may include interviewing witnesses named by the Complainant and the Respondent. The names of any witnesses interviewed during an investigation will be revealed to the Complainant and Respondent.

Once an investigation has been initiated:

- a. the investigator will contact all parties and arrange for interviews;
- b. the investigator will provide the Complainant and Respondent with a Draft Investigation Report for review and comment; then
- c. a Final Investigation Report will be provided to the RO for their review and decision.

3.8 The RO's Decision

The RO will provide the Complainant and the Respondent a copy of the Final Investigation Report and detail, in writing, their decision on the complaint.

If harassment is determined to be founded, the RO, in consultation with the Human Resources Office, will decide what administrative or disciplinary action is to be taken.

Any disciplinary action taken as a result of a harassment complaint is subject to the provision of the *Access to Information Act* and the *Privacy Act*. As a result, the RO will only disclose any disciplinary action within the bounds of these acts.

If harassment is determined not to be founded, the RO shall ensure that the matter is dealt with in an appropriate manner, such as referring the complaint to the Conflict Management Office or suggesting other means of resolution.

The decision letters sent to the Complainant and the Respondent will constitute administrative closure of the harassment complaint.

3.9 Informal Resolution Process

The harassment complaint process may be suspended by the RO if both parties agree to pursue an informal resolution process.

If an agreement is reached between the parties through an informal resolution process, the agreement will constitute full and final settlement of the complaint. A closure letter or the withdrawal of the complaint, where applicable, will be placed on the complaint file.

If the informal resolution process is unsuccessful the formal process may resume, at the discretion of the RO.

3.10 Grieving the Decision

If the harassment complaint results in disciplinary measures imposed on the Respondent, such measures may be grieved through the Employer's internal grievance process.

There are no internal procedures for a Complainant to grieve or appeal the decision of the RO.

Information on filing a grievance can be found in the NPF Grievance Policy.

3.11 Confidentiality

All parties directly involved in the harassment resolution process are expected to maintain confidentiality and limit the discussion of all aspects pertaining to the harassment complaint process to those who need to know.

3.12 Records

All correspondence and documentation related to the complaint will be designated Protected B and will be kept by the Conflict Management Office for two years, in accordance with Section 4 of the *Privacy Act* regulations.

Only documents related to any administrative or disciplinary action taken as a result of the complaint will be placed on the personnel file of the Respondent or the Complainant, as appropriate.

3.13 Retaliation

Retaliation is prohibited against any person involved in the harassment resolution process, including the Complainant, the Respondent, witnesses, or Complaint

Assistants. Anyone who engages in such retaliation may be subject to disciplinary or administrative action.

PART 4 – JURISDICTION

4.1 Possible Criminal Act or Breach of NDA

Where a possible criminal act or breach of the NDA, including sexual assault, is alleged, the RO will inform the appropriate police authorities and consult with the SACM. After discussion with the appropriate police authorities it may be necessary to suspend any investigation that may have been commenced or is about to commence. The investigation may resume following police inquiries, at the discretion of the RO.

Where there is a complaint against a military member that may constitute sexual misconduct as defined in DAOD 5019-5, (which includes but is not limited to sexual assault, aggravated sexual assault, and indecent exposure) the provisions of that order shall be applied. Any investigation into the harassment complaint will be suspended while a military police or Canadian Forces National Investigation Service (CFNIS) investigation is ongoing. Where the investigation carried out in accordance with DAOD 5019-5 fails to disclose sufficient evidence to support a charge of sexual misconduct, the investigation into the harassment complaint may resume, at the discretion of the RO.

4.2 Complaints Involving More Than One NPP Organization

The Complainant, Respondent, and witnesses may at times work in different NPP Organizations or may be transferred during the resolution process. These situations will require all involved ROs to collaborate to ensure resolution. In cases where this is not practical, the RO where the alleged harassment occurred will take responsibility, and will advise and consult with the other relevant ROs during the process. This collaboration is important to ensure that where disciplinary or administrative action is contemplated, the appropriate supervisors are involved.

4.3 Multiple Complaints

At times, the RO may receive related complaints from several individuals at the same time or reciprocal complaints (i.e. where the Complainant and the Respondent have complaints against each other). In such cases, the RO should consult with the SACM before determining a course of action.

4.4 Complaints Involving More Than One Jurisdiction

Complaints that involve more than one jurisdiction require collaboration between NPF and the delegated authority for the DND/CAF policy to ensure that that proper policy is applied.

Complaints involving employees of NPF and CAF members or DND employees may be subject to the CAF/DND Harassment Prevention and Resolution Policy (DAOD 5012-0) and the CAF/DND Harassment Prevention and Resolution Guidelines.

Complaints involving persons who enter Non-Public Property organizations' workplaces but are not subject to the Policy and Guidelines will be treated in accordance with the spirit and principles of these guidelines.

NOTE: Further guidance on complaints involving more than one jurisdiction is contained in Appendix C.

4.5 Complaints to the Canadian Human Rights Commission

The *Canadian Human Rights Act* (CHRA) provides that every person in the workplace has a right to freedom from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted. These are referred to as prohibited grounds. In addition, the Act deems sexual harassment to be harassment based on a prohibited ground.

If an individual files a complaint with the Canadian Human Rights Commission (CHRC) and a harassment complaint under the NPF Harassment Prevention and Resolution Policy on the same issue, the CHRC may require the Complainant to follow the NPF procedures first, before the CHRC will examine the complaint.

4.6 Complaints Involving NPP Recreation Clubs and Activities

These Guidelines serve as a governing framework for the Directive on Harassment Prevention and Resolution for Recreation Clubs and Recreation Activities attached as Appendix D.

Where the Guidelines cannot be applied to the specific circumstances of the recreation clubs or recreation activities, the complaints may be treated in accordance with the spirit and principles of the Guidelines and modified as the circumstances require.

4.7 Grievances

If an individual decides to file a harassment complaint and a grievance on the same issue, the employee will be asked to choose which process he or she intends to pursue, as they cannot pursue more than one process at a time.

4.8 Bad Faith Complaints

Complaints made in bad faith are those where the Complainant knows the complaint to be false. While such cases are uncommon, they are considered serious and may be dealt with through administrative and disciplinary action. The Respondent may be informed of the nature of the administrative or disciplinary measures imposed, subject to the *Privacy Act*. Steps may also be taken, with the approval of the Respondent, to correct any unwarranted stigma left by such a complaint.

PART 5 – RE-ESTABLISHING A POSITIVE AND HARASSMENT FREE WORKPLACE

5.1 Restoration of the Workplace

From the time a complaint is filed, the person responsible for managing the complaint process will follow-up with the employees' manager(s) to ensure that issues, concerns and needs of all parties involved are being addressed throughout the complaint process, as well as, any detrimental impacts on the workplace resulting from the incidences of harassment.

Once a harassment complaint has been administratively resolved, it is the responsibility of all persons in the workplace to take action to restore a positive and harassment-free workplace. A start can be made to change workplace culture by ROs giving a strong, clear message that respect and dignity are paramount.

The Conflict Management Office can assist by facilitating group exercises, providing materials for training sessions, suggesting topics for discussion and directing managers or supervisors to additional organizational resources for restoring the workplace. It is also useful to ensure that all employees are aware of the counseling and support services available to them, such as the Employee Assistance Program (EAP), and are encouraged to use such services.

The harassment complaint process can be difficult and stressful for all parties involved and may have an impact on other individuals in the workplace. Regardless of the outcome of the formal process, further action may be needed by the responsible manager to ensure that any threats, intimidation or retaliation are addressed and that positive and respectful working relationships are restored in the work unit.

This may be accomplished with the input of all parties involved and may require the assistance of a specialist and the support of union representatives to re-establish trust, improve communication and encourage positive working relations.

For more information on restoring the wellbeing of the workplace please refer to the Conflict Management Services Policy.

5.2 Gossip and Rumours

All persons must respect the dignity and privacy of people involved in harassment complaint by treating all information with discretion. Gossip and rumors can aggravate the situation and increase stress in the workplace. All employees should refrain from gossiping or spreading rumours concerning harassment situations.

APPENDIX A – DEFINITIONS

Informal Resolution Process: is a confidential and voluntary, collaborative, problem-solving approach such as face to face conversation, conflict coaching, facilitated discussion or mediation that has the advantage of addressing the parties' needs, concerns and mutual interests. Informal resolution processes are often referred to as Alternative Dispute Resolution (ADR).

Complainant is the person who submits a harassment complaint.

Complaint is a statement that makes specific allegations of harassment. A complaint must be in writing, dated and signed by the complainant.

Complaint Assistant is a person who may support, accompany or assist the Complainant or Respondent during any resolution processes associated with a complaint.

Conflict Management Office (CMO) is the primary resource for all employees for informal conflict resolution processes, management of workplace conflict, harassment prevention and resolution and the NPF Harassment Prevention and Resolution Policy and Guidelines.

Employee means all employees of Staff of the Non-Public Funds, Canadian Forces.

Harassment is improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the Canadian Human Rights Act (i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction). Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the person.

Where harassment involves misuse of the power or authority inherent in an individual's position, it constitutes an abuse of authority.

Conduct involving the proper use of responsibilities or authority related to the provision of advice, the assignment of work, counseling, performance evaluation, discipline, and other managerial or supervisory functions does not constitute harassment.

Respondent is the person against whom a harassment complaint has been filed.

Responsible Officer (RO) is the individual responsible for applying the NPF Harassment Prevention and Resolution Policy and Guidelines.

Restoration of the Workplace is the establishment or re-establishment of harmonious working relationships amongst individuals or within a team, group or unit following a harassment complaint.

Senior Advisor Conflict Management (SACM) is the primary resource for all NPP organizations on informal conflict resolution processes, workplace conflict, harassment prevention and resolution, and the restoration of the workplace. The SACM is the Office of Primary Interest (OPI) for the NPF Harassment Prevention and Resolution Policy and Guidelines. The SACM also advises the CEO, Division Heads, and those acting as ROs.

Workplace is the physical work location and the greater work environment where work-related functions and activities take place, including:

- a. while on travel duty;
- b. conferences where attendance is sponsored by the employer;
- c. employer sponsored training and education activities; and
- d. employer sponsored events, including social events.

APPENDIX B – HARASSMENT COMPLAINT FORM

SECTION A – Identity of Complainant

Full Name	Phone Number	Position	Location/Organization

SECTION B – Identity of Respondent

Full Name	Phone Number	Position	Location/Organization

SECTION C – Specific Allegation(s)

Detailed particulars of the conduct, comment, gesture, display or other behaviour alleged to constitute harassment, including the date, time and location of that conduct.

SECTION D – Impact

The above information is true and correct.

Complainant's Signature: _____ **Date:** _____

APPENDIX C – MATRIX FOR CROSS JURSDICTIONAL COMPLAINTS

Identify whether the NPF or DND/CAF process should apply in complaints involving more than one jurisdiction.

		RESPONDENT		
		NPF Employee	DND/CAF	Neither DND/CAF nor NPF Employee
COMPLAINANT	NPF Employee	NPF Process	DND/CF Process NPF to Follow Up	NPF Process To protect NPF Employees
	DND/CAF	NPF Process	DND/CAF Process	DND/CAF Process
	Neither DND/CAF nor NPF Employee	NPF Process	DND/CAF Process	Neither NPF nor DND/CAF Process Applies

NOTE: Specific circumstances surrounding individual complaints will vary and collaboration may be required between NPF and DND/CAF to clarify jurisdiction.

APPENDIX D – RECREATION CLUB AND RECREATION ACTIVITY HARASSMENT PREVENTION AND RESOLUTION DIRECTIVE



Date of issue – 26 October 2007

Revised – May 2015

DEFINITIONS

Harassment is improper conduct by an individual, that is directed at and offensive to another individual in the recreation club or activity, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the Canadian Human Rights Act (i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction). Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the person.

Note 1: Where a complaint of harassment involves possible criminal conduct, the Responsible Officer will immediately inform the appropriate police authorities.

Member (employee): Where the NPF Harassment Prevention and Resolution Guidelines ('Guidelines') make reference to employees, said reference shall be deemed to mean members of recreation clubs or participants to recreation activities who attend the recreation club or recreation activity in their civilian capacity as described in the application section below.

Recreation Activity means a recreation activity as defined in Canadian Forces Personnel Support Programs Manual Part 6-1 defines a recreation activity as an individual component of a program (e.g. casual swimming, pee-wee hockey, art club, ceramics, bowling, scouts, and guides). For the purposes of this policy, martial arts are also recognized as a recreation activity.

Recreation club means a recreation club as defined in Canadian Forces Personnel Support Programs Manual Part 6-2 Recreation Clubs defines a recreation club as a self-governing, authorized recreation activity operating under

the terms and conditions of a constitution approved by the base or station commander.

Responsible Officer (RO) is the individual responsible for applying this directive and the Guidelines. The Responsible Officer is:

- The local Senior Manager PSP (Personnel Support Programs), with respect to the Activity Leader of a recreation activity to whom this directive applies;
- The Activity Leader of the recreation activity, with respect to participants to the recreation activity; or
- The recreation club president for any complaint against a member of a recreation club.

Recreation Club or Activity (*workplace*): Where the Guidelines make reference to the workplace, said reference shall be deemed to mean the physical location where the functions and activities of the recreation club or recreation activity take place.

APPLICATION

This directive applies to members of recreation clubs and participants to recreation activities who attend recreation clubs and recreation activities in their civilian capacities and not in the course of their employment or services duties.

CONTEXT

Mutual trust, support and respect for the dignity and rights of everyone person are essential characteristics of recreation clubs and recreation activities environment. Harassment in certain forms is against the law and it can erode mutual confidence and respect for individuals and can lead to a poisoned environment.

The Guidelines, as amended from time to time, with necessary modifications, act as the governing framework for the prevention and resolution of harassment complaints for recreation clubs and recreation activities.

Where the Guidelines cannot be applied to the specific circumstances of the recreation clubs or recreation activities, the complaints may be treated in accordance with the spirit and principles of the Guidelines and modified as the circumstances require.

Where the definitions of the this Directive are in conflict with the definitions found in the Guidelines, the definitions of this Directive are to be used.

Policy Statement

NPF is committed to providing respectful recreation club and recreation activities by promoting the prevention and prompt resolution of harassment. All members of recreation clubs and all participants to recreation activities have the right to be treated fairly, respectfully and with dignity in an environment free of harassment, and they have the responsibility to treat others in the same manner.

Harassment in any form constitutes unacceptable conduct and will not be tolerated. Recreation club members and participants to recreation activities shall not subject any person attending a recreation club or activity to harassment. Where club members and recreation activity participants are found to have subjected other persons to harassment, the Responsible Officer will decide what administrative and restorative action within his/her authority is to be taken.

REQUIREMENTS

The Activity Leaders shall:

- Inform members of the recreation club or participants to recreation activities about behaviour that constitutes harassment, their rights and responsibilities under this directive, informal and formal ways of dealing with conflict and harassment and the resources available to them;
- Where the activity takes place on a DND Establishment, and where it is possible to do so on an official CFMWS website, post a notice to the effect that all members of the recreation club or all participants to the recreation activity have a right to participate without harassment, and that all complaints shall be dealt with in accordance with this Directive. The notice shall also indicate that for any concern regarding harassment, the member or participant may contact either the Activity Leader, the Club president or the local PSP Manager, and that the member or participant may consult the CFMWS website;
- Take immediate steps to stop any harassment they witness or that is brought to their attention;
- Provide the member with a copy of this Directive together with the Guidelines upon the member joining the recreation club or the participant attending the recreation activity. Members and participants shall also be provided with the local Recreation Manager's contact information;
- Once a complaint has been received against a member of the recreation club or a participant to a recreation activity, ensure that the alleged perpetrator and the complainant are not paired together and are separated where possible while their dispute is being resolved; and

- In the case of a finding supporting the complaint, suspend the member of the recreation club or participant to the recreation activity found at fault for a period of time deemed fit and appropriate or rescind the individual's membership or participation.

Special Requirements

- All adults charged with providing instruction to minors must undergo police background checks. The costs of these checks will be borne by the instructor.
- Anyone who advised an instructor that there is potential harassment situation and that they do not want to train with another individual because of this situation may refuse to train with that individual without question.

Authority Table

The following table identifies the authorities for implementing the harassment directive.

The ...	has/have responsibility and authority to ...
Sr VP PSP	approves recreation club and recreation activity policy and procedures concerning harassment.
Local PSP Managers and Activity Leaders	carry out the responsibilities outlined in the Recreation Club and Recreation Activity Harassment Prevention and Resolution Directive.