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Audit of harassment management: Section 2: Appendices

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Appendix A: Risk assessment

A preliminary risk assessment was conducted to identify areas of highest risk and to prioritize the areas of focus for the audit. This assessment was based on interviews with key stakeholders, review of relevant documentation, and walkthroughs of the budget allocation and forecasting processes and systems. As a result of this assessment, the following key risks related to the budgeting and forecasting were identified and used to develop the audit objective, scope and criteria:

Summary of risks	
Risk 1	Harassment prevention, resolution and support processes, may not have been designed in compliance with internal and external legislative policies and procedures, to efficiently handle complaints and create a workplace free of harassment and violence.
Risk 2	Services and resources available related to preventing and reporting harassment and violence within the workplace may not have been effectively communicated.
Risk 3	Training to prevent harassment and violence may not be taken and may not promote an effective understanding by employees of relevant policies, procedures and services related to reducing harassment within its workplace.
Risk 4	Monitoring and reporting mechanisms in place may be insufficient to provide senior management with necessary information to monitor the effectiveness of preventive measures.
Risk 5	The harassment complaint process may not effectively respond to complaints in a consistent, confidential and timely manner, resulting in employees being reluctant to use the services offered due to perceptions the process is not fair, equitable or timely.

Appendix B: Audit criteria

The following lines of enquiry and audit criteria were developed in alignment with the Committee of Sponsoring Organizations of the Treadway Commission (COSO) Principles of Effective Internal Control and also take into consideration elements of TBS Directive on the Prevention and Resolution of Workplace Harassment and Violence:

Lines of enquiry	Audit criteria
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Lines of enquiry	Audit criteria
1. Assessment and Prevention of Harassment and Violence in the workplace	<p>1.1 The agency has established and implemented measures to assess workplaces and identify risks related to harassment and violence as prescribed in the applicable regulation, directive and guidance.</p> <p>1.2 The agency has established, implemented and communicated effective measures to prevent workplace harassment and violence as prescribed in the applicable regulation, directive and guidance.</p>
2. Harassment and Violence Complaint Resolution Process	<p>2.1 The design of the agency's harassment complaint resolution process is compliant with the applicable regulation, directive and guidance.</p> <p>2.2 Challenges in the complaint resolution process have been identified and plans are in place to resolve them.</p>

Appendix C: Resolution process

Further to the flowchart (refer to [Figure 1: Resolution process](#)) depicting the key stage steps in the Workplace harassment and violence resolution process, here is a short description of the key steps as well as the timeframe requirements ²² in the process.

1. An employee files a Notice of Occurrence

If an employee experiences or witnesses harassment and/or violence in the workplace, they can file a Notice of Occurrence (notice) with National Integrity Centre of Expertise (NICE) who has been deemed as

the designated recipient for these notices within the agency.

2. **A NICE advisor will conduct an initial review**

A NICE advisor will review the notice to determine if information has been provided to move forward with the resolution process. The advisor will contact the principal party or the witness to obtain any missing or insufficient information.

If no further information is provided, the notice will be closed by the NICE advisor.

3. **An acknowledgement letter is sent to the principal party: within 7 days** of the reception of the Notice of Occurrence

NICE Advisor will acknowledge receipt of the notice within 7 days to the principal party or that they have been named/identified as the principal party (if the notice was submitted by a witness).

4. **Negotiated resolution:** needs to **occur within 45 days** of the reception of the Notice of Occurrence

The principal party and NICE advisor must make every reasonable effort to resolve the occurrence. NICE Advisor will contact the responding party if both principal party and responding party decide to involve the responding party at this time. If the negotiated resolution resolves the occurrence, the complaint is closed, otherwise the principal party will have to choose whether they would like to proceed to the next stage.

5. **Conciliation**

The principal party and responding party may attempt to resolve the occurrence by conciliation if both agree to conciliation and on an ICMS representative to facilitate the discussion.

The regulations stipulate mandatory timeframes for completion of this stage.

6. Selection of an investigator: must **occur within 60 days** after the day on which the notice of investigation is provided

An investigation of the occurrence must be carried out if the principal party requests one. However, conciliation can occur concurrently with investigation.

NICE advisor will propose, a few investigators from the PSPC standing offer to the principal party and responding party they have identified as having the knowledge, training and experience required to conduct the investigation.

If principal party and responding party are both unable to agree on an investigator within 60 days after notice of investigation was issued, the NICE advisor will select an investigator from the list provided by Canadian Centre for Occupational Health and Safety.

7. Investigation

Once an investigator has been selected, the NICE Advisor will issue a Statement of Work, provide them with available documents/evidence collected, principal party and responding party contact information, etc. to carry out their investigation.

8. Investigation report

The investigator provides a report to the NICE Advisor which will be shared with the principal party and responding party. A summary report will also be shared with the Policy Health and Safety Committee (PHSC) members.

9. Selection of recommendations to be implemented

The PHSC members jointly determine which of the recommendations set out in the report are to be implemented.

10. **Recommendation implementation**

Recommendations are implemented by the local management where the occurrence has occurred. If the responding party is not an employee (e.g., a traveller), the Policy Health and Safety Committee members review the work place assessment to determine if any changes are needed to the risk factors.

11. **Overall timeline**

The resolution process must be completed (or closed) **within 12 months** as mandated by the *Work Place Harassment and Violence Prevention Regulations*.

Stakeholders involved in the resolution process

- Principal party and any person they wish to accompany them or represent them
- responding party and any person they wish to accompany them or represent them
- NICE advisor(s)
- ATIP is engaged to review the NICE advisor's initial analysis of the notice in order to remove personal information
- Procurement officer processes the request to hire an investigator
- The principal party's regional director general will receive a copy of the notice from NICE, so they can investigate any occurrence of misconduct
- The Labour Relations team will receive a copy of the notice from NICE, in order for them to review and investigate the occurrence, should they find it necessary (possible misconduct or wrongdoing or criminal offence)

- The ICMS team is engaged to assist with conciliation between the principal party and responding party
- The Policy Health and Safety Committee (PHSC) will be involved in the process as follows:
 - The committee will review the agency work place assessment to determine if any changes are needed to address the risk factors identified from the notice if:
 - a Notice of Occurrence is provided by a Third Party and the employee subjected to the occurrence of harassment or violence chooses to remain anonymous; or
 - an employee does not wish to proceed with the resolution process; or
 - the responding party is not an employee (e.g., a traveller)
 - In instances where an investigation has been completed, the investigation report summary will be shared with the Committee members
 - The committee members will jointly determine which of the recommendations set out in the report are to be implemented
 - Recommendations will be implemented by the local management where the occurrence has occurred

Appendix D: Survey at a glance

Internal Audit recognizes that there are inherent biases with survey responses, such as: non-response bias, acquiescence bias, social desirability, demand characteristics, etc. The audit team carefully considered the content and the frequency of survey responses, and the potential effect of these biases when identifying the audit findings.

An Internal Audit Division survey was distributed through the CBSA Daily from July 25 to August 8, 2022.

Topics included:

- Communication and prevention
- Training
- Harassment incidents
- Quality of services from NICE
- Other recourse options

Survey response rate:

Respondents (complete responses): 652

- Headquarter respondents: 36%
- Regional respondents: 64%

Total agency employees: 16,000

Response rate: 4%

Percentage of answers by position:

Office Employee: 31%

Border Services Officer: 26%

Other Officer or Employee: 20%

Superintendent / Chief: 11%

Non-Executive manager: 8%

Executive: 4%

Appendix E: List of acronyms

ATIP

Access to Information and Privacy

CBSA

Canada Border Services Agency

CSPS

Canada School of Public Service

HRB

Human Resources Branch

ICMS

Informal Conflict Management Services

NICE

National Integrity Centre of Expertise

OAG

Office of the Auditor General

OHS

Occupational Health and Safety

PHSC

Policy Health and Safety Committee

PSES

Public Service Employee Survey

RWF

Respectful Workplace Framework

TBS

Treasury Board of Canada Secretariat

WHVP

Workplace Harassment and Violence Prevention

VP

Vice-president

Footnotes:

- 22 As required by the Work Place Harassment and Violence Prevention Regulations & CBSA's Workplace Harassment and Violence Prevention Policy.
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