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› [Directive on the Prevention and Resolution of Workplace Harassment and Violence](#)

Directive on the Prevention and Resolution of Workplace Harassment and Violence

1. Effective date

1.1 This directive takes effect on January 1, 2021.

1.2 In conjunction with the *Policy on People Management*, this directive replaces the following Treasury Board policy instruments:

- *Policy on Harassment Prevention and Resolution* (October 1, 2012)
- *Directive on the Harassment Complaint Process* (October 1, 2012)

Refer to the definitions in the *Work Place Harassment and Violence Prevention Regulations* (WPHVP Regulations).

2. Authorities

2.1 This directive is issued pursuant to the same authorities indicated in section 2 of the *Policy on People Management*.

3. Objectives and expected results

3.1 The objectives of this directive are as follows:

- 3.1.1 To prevent occurrences of workplace harassment and violence by providing an integrated healthy, safe and respectful workplace that is free from all forms of harassment and violence; and
- 3.1.2 To ensure that organizations of the core public administration respond appropriately and without delay to a notice of an occurrence of harassment or violence, in compliance with the Canada Labour Code, Part II, and the WPHVP Regulations.

3.2 The expected results of this directive are as follows:

- 3.2.1 Preventive measures are established and nurtured through an ongoing multidisciplinary approach;
- 3.2.2 Workplace harassment and violence occurrences are addressed promptly with sensitivity, fairness and an emphasis on informal early resolution, as appropriate; and
- 3.2.3 Persons employed by the employer have confidence in how workplace harassment and violence are prevented and resolved.

4. Requirements

- 4.1 In addition to ensuring compliance with the WPHVP Regulations, senior officials designated by the deputy head are responsible for the following:

Prevention and protection measures

- 4.1.1 Dedicating resources for preventing and resolving workplace harassment and violence in accordance with this directive and the WPHVP Regulations;
- 4.1.2 Ensuring the joint development of departmental workplace harassment and violence prevention policies (in accordance with section 10 of the WPHVP Regulations) with the applicable partner (policy health and safety committee, or workplace health and safety committee) for worksite-specific prevention policies, including the establishment of a complaint resolution process that focuses on informal and early resolution; and
- 4.1.3 Ensuring that the curriculum on workplace harassment and violence that is identified or developed in collaboration with policy health and safety committees or workplace health and safety committees is:
 - 4.1.3.1 Tailored to the organizational culture;
 - 4.1.3.2 Addresses the operational, regional and worksite-specific reality; and

- 4.1.3.3 Considers linkages with discrimination, diversity, inclusion, well-being and mental health;

Support measures

- 4.1.4 Ensuring that support services such as an ombuds-type function and employee assistance programs provide information on medical, psychological and other support services that are available to employees such as union representation where applicable and the Association of Professional Executives of the Public Service of Canada (APEX) for the EX Group; and
- 4.1.5 Publishing a list of resources online or through other methods that is readily available locally and within a short time for employees affected by harassment or violence;

Resolution process

- 4.1.6 Ensuring that the principal party involved in an occurrence of harassment or violence (that is, the person who is the object of an occurrence) is aware of departmental procedures and all avenues of recourse;
- 4.1.7 In cases where the principal party and the responding party (that is, the person who is alleged to have been responsible for an occurrence) are not employed by the same department or agency, the administration of the occurrence will be done by the principal party's department or agency, with the costs split 50/50;

- 4.1.8 Engaging internal resources, such as the organization's informal conflict management unit, to facilitate an optional negotiated resolution in a timely manner if the parties agree to participate in conciliation, recognizing that no pressure can be put on the principal party to drop the complaint or resolve it at the mediation stage;
- 4.1.9 Ensuring that appropriate measures are taken to protect the privacy and confidentiality of all parties involved throughout the resolution process, and ensuring that information about the complaint, including information about the parties and their identities, is not disclosed unless required by law;
- 4.1.10 Ensuring that the well-being of the workplace is restored, including:
 - 4.1.10.1 Conducting a joint workplace assessment with the applicable partner (as per section 5(1) of the WPHVP Regulations), and addressing the risk factors that led to the occurrence of workplace harassment or violence;
 - 4.1.10.2 Addressing any detrimental impacts that result from occurrences of harassment and violence, including reprisals;
 - 4.1.10.3 Implementing recommendations from the investigator's report, as determined jointly with the applicable partner (policy health and safety committee, or workplace health and safety committee); and

4.1.10.4 In cases that involve potential misconduct, referral to a labour relations specialist to address the potential misconduct through a separate administrative process; and

4.1.11 Ensuring that allegations of offences under the *Criminal Code of Canada* are reported to the departmental security officer and deputy head, and to the relevant law enforcement organizations where appropriate.

Reporting

4.1.12 Ensuring that record-keeping and reporting requirements are fulfilled in accordance with the provisions in the *Work Place Harassment and Prevention Regulations*, and that a copy of the organization's annual report on occurrences of harassment and violence submitted to the Minister of the Labour Program, Employment and Social Development Canada, be provided to the Office of the Chief Human Resources Officer (OCHRO); and

4.1.13 Providing additional information as deemed appropriate by the OCHRO, and as considered necessary for assessing compliance with this directive.

5. Roles of other government organizations

5.1 The roles of other government organizations in relation to this directive are as described in section 5 of the *Policy on People Management*.

6. Application

- 6.1 This directive applies to the persons and organizations listed in section 6 of the *Policy on People Management*.
- 6.2 This directive applies to persons employed, when they are in the workplace or at any location or event related to work, including while:
- 6.2.1 On travel status;
 - 6.2.2 At a conference where the attendance is sponsored by the employer;
 - 6.2.3 At employer-sponsored training activities or information sessions;
 - 6.2.4 At employer-sponsored events, including social events organized and sanctioned by the employer; and
 - 6.2.5 Using social media or other communications technology when it relates to the workplace or employment conditions.

7. References

7.1 Legislation

- *Access to Information Act*
- *Canada Labour Code*, Part II
- *Canada Occupational Health and Safety Regulations*, Parts VI and XX
- *Canadian Human Rights Act*
- *Criminal Code of Canada*

- *Federal Public Sector Labour Relations Act*
- *Privacy Act*
- *WPHVP Regulations*

7.2 Related policy instruments

- *Directive on the Employee Assistance Programs*
- *Policy on People Management*
- *Values and Ethics Code for the Public Sector*

8. Enquiries

- 8.1 For interpretation of any aspect of this directive, contact Treasury Board of Canada Secretariat Public Enquiries.
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Appendix: Definitions

Definitions to be used in the interpretation of this directive can be found in the *Work Place Harassment and Violence Prevention Regulations* (see “Definitions” under “General”).

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