



House of Commons Policy on Preventing and Addressing Harassment

1. Application

This Policy, approved by the Board of Internal Economy on December 9, 2014, applies to:

- All Members of Parliament, including House Officers, as employers
- Staff employed by
 - Members
 - House Officers
 - Research Offices

Interns and volunteers (paid or unpaid) are covered by this policy.

Employees covered under a collective agreement, as well as employees of the House of Commons Administration are excluded from the application of this policy and are covered by separate frameworks.

For greater clarity, this policy only applies to employees of a House Officer whose salaries are paid out from the House Officer's budget set out by the Board in accordance with Section 16 of the Governance and Administration By-law.

This policy applies to Members as employers and does not cover situations between Members.

2. Definitions

Abuse of Authority: A form of harassment that occurs when an individual misuses the power and authority inherent in his or her position to endanger an employee's job, undermine the performance of that job, threaten the economic livelihood of the employee, or in any way improperly interfere with or inappropriately influence someone's career.

Abuse of authority may include but is not limited to:

- reprimanding an employee in front of others;
- unjustifiably withholding information so as to interfere with an employee's work;
- taking advantage of his/her position to exploit, intimidate, threaten, blackmail, compromise, mistreat or coerce others.

Conduct involving the proper exercise of responsibilities or authority related to the provision of advice and/or the assignment of work, counselling, performance evaluation, appropriate disciplinary action and other supervisory/leadership functions does not constitute abuse of authority.

Harassment: Any improper behaviour by a person that is directed at someone else, that is offensive and which that person knew or ought reasonably to have known would be unwelcome. It comprises any objectionable conduct, comment or display made either on a one-time or a continuous basis that demeans, belittles or causes personal humiliation or embarrassment to an employee.

It includes harassment based on the following prohibited grounds of discrimination: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, physical or mental disability, or conviction for an offence for which a pardon has been granted.

Harassment may include but is not limited to:

- discriminatory, sexist or offensive remarks, jokes, taunts, gestures, emails or offensive pictures that cause embarrassment or discomfort;
- harassment complaints that are frivolous or made in bad faith;
- threats, intimidation or retaliation against an individual who has initiated a harassment complaint or acted as a witness or support person for the resolution of a harassment complaint; and
- bullying or the use of superior strength or influence to intimidate someone.

Sexual Harassment: A form of harassment involving any act, conduct, comment, gesture or contact of a sexual nature, whether on a one-time or recurring basis, that might reasonably be expected to cause offence or humiliation, or might reasonably be perceived as placing a condition of a sexual nature on employment or an opportunity for training or promotion.

Sexual harassment may include but is not limited to:

- demands for sexual favours or sexual assault;
- inappropriate or unwanted physical contact such as touching, patting or pinching;
- insulting comments, gestures and practical jokes of a sexual nature that cause discomfort or embarrassment; and
- inappropriate enquiries or comments about an individual's sex life.

3. Procedures

Members of Parliament are the employer of their employees; as such, they are responsible for providing a harassment-free workplace and should diligently address any complaint brought to their attention regarding the conduct of one of their employees. Ideally, the initial complaint

regarding the behaviour of an employee of a Member of Parliament should be addressed to the Member.

Party Whips are responsible for the discipline within their respective parties, including for Members of Parliament. Whips should diligently address any complaint brought to their attention regarding the conduct of a Member of Parliament under their area of responsibility. Ideally, the initial complaint regarding the behaviour of a Member of Parliament should be addressed to the Whip.

Recognizing that the above avenues may not be appropriate in every case, complainants may, at their discretion, bring their complaints directly to the Whip or to the Chief Human Resources Officer. In the latter case, the CHRO will advise the appropriate Whip(s) that a complaint has been filed.

Members or Whips can consult with the CHRO for advice on the management of a complaint. Also Members or Whips seized with a complaint may choose to handover the management of the complaint to the CHRO.

3.1 Preventing Harassment in the Workplace and Resolving Conflict Early

Whenever people interact, there is a potential for conflict. When it is focussed on work and handled constructively with respect for differences, conflict may challenge our thinking in constructive ways.

Not all conflict is, however, healthy. Problems can stem from personality conflict, lack of communication, misunderstandings or basic differences in viewpoint, which may result in inappropriate workplace behaviour, emotional stress, physical problems, abuse, or harassment.

Some conflict, particularly if it is prolonged and carried to the extreme of harassment, hurts everyone. Individuals may experience emotional stress and may have difficulty performing tasks. Prolonged emotional stress may also lead to physical problems. Conflict can also undermine morale, lead to absenteeism, low productivity, high staff turnover and it can stifle ideas and initiative.

3.2 Options for Resolving Harassment Complaints

In resolving harassment complaints, the House of Commons offers a number of options to persons covered by this policy in order to assist them in resolving harassment allegations.

Talk to the person directly

The individual is encouraged to directly talk or write a letter to the person with whom they are in conflict, explaining the problem and asking that the behaviour stops. However, it should be noted that an employee who feels harassed is not obligated to resolve the situation directly with the other person.

If the situation is not resolved or if the employee who feels harassed is unable to deal directly with the person, he or she could meet with his or her supervisor, his or her Member, the Whip, the Coordinator, Finding Solutions Together Program or the Chief Human Resources Officer in an attempt to find a solution.

File a formal harassment complaint

A person covered by this policy may file a formal harassment complaint with his or her Member, the Whip or the Chief Human Resources Officer. If a formal complaint is made and is retained after being reviewed, and if the situation cannot be resolved through the use of alternate dispute resolution processes proposed, then an investigation into the complaint will be initiated.

Using the Harassment Prevention Program to resolve conflict

The goal of early conflict resolution is to resolve any conflict or potential harassment situation as quickly as possible, in a fair and respectful manner, before it escalates into potential harassment, which could result in a complaint being filed.

The Harassment Prevention Program has been developed to provide persons covered by this policy with the education and resources required for achieving this goal. The Program is the commitment to provide regular training sessions on the Policy, harassment awareness, sensitivity, communication and early conflict resolution strategies. Acting as a neutral, objective resource person, the Coordinator, Finding Solutions Together Program is available to provide advice and information to persons covered by this policy on ways of preventing, recognizing and resolving workplace conflict and harassment.

Responsibility for resolving conflict

All persons covered by this policy should make every effort to resolve a conflict or a potential harassment situation with open communication and a cooperative spirit, as well as making use of conflict resolution techniques that may be provided to them by the Coordinator, Finding Solutions Together Program.

Members and employees with supervisory duties must make every effort to resolve a situation between parties as quickly as possible. If a Member or an employee with supervisory duties becomes aware of conflict or potential harassment in the workplace, he or she may wish to facilitate the situation or contact the Coordinator, Finding Solutions Together Program who will provide either the internal or external resources for facilitation or mediation, as required, to help resolve the situation.

The Employee Assistance Program is a confidential, external service that is also available to everyone covered by this policy to help them with problems of a personal nature.

Seek the assistance of a third party

The individual may ask for the support or advice from a third party such as the Coordinator, Finding Solutions Together Program, his or her Member, a friend, or a colleague, before approaching the other person.

Alternate dispute resolution techniques such as facilitation and mediation are offered to all employees as part of the Harassment Prevention Program in order to assist them in resolving the situation.

3.3 Procedures for Resolving Formal Harassment Complaints

3.3.1 Filing a formal harassment complaint

A person covered by this policy may file a formal harassment complaint with his or her Member or the Whip or the Chief Human Resources Officer. If the complaint is filed with a Member, he or she may choose to involve the Whip. The Member or Whip will then immediately inform the Chief Human Resources Officer so that he or she may keep a record of the complaint. In the case of independent Members the complaint should be filed with the Member and/or the Chief Human Resources Officer.

The complaint must include the following information: the nature of the allegations; the name of the respondent; the relationship of the respondent to the complainant (i.e. supervisor, Member, colleague, employee of another Member); date and description of the incident(s); and, if applicable, the names of witnesses. The information provided should be as precise and concise as possible.

In the case of independent Members or Members of a party with no official status, the initial complaint regarding the behaviour of a Member of Parliament should be addressed to the Clerk of the House and the Chief Human Resources Officer. The Chief Human Resources Officer will offer to the complainant the resources available under this policy. When a final report is produced, the CHRO will provide it to the Clerk of the House for further action.

3.3.2 Acknowledgement and review of the complaint

Upon receipt of the complaint, the Member/Whip/Chief Human Resources Officer (as appropriate) will immediately acknowledge the complaint in writing and, if appropriate, assess if any preventative and/or precautionary measures are required. Reasonable efforts will be made to accommodate a physical or hierarchical relocation, if required.

The Member/Whip/Chief Human Resources Officer (as appropriate) will then review and retain the complaint providing that:

- It includes all of the above-mentioned information (such as nature of incident, date(s), etc.)

If the complaint is not retained, the Member/Whip/Chief Human Resources Officer (as appropriate) will advise the complainant in writing of this decision along with the rationale.

If the complaint is retained, the Chief Human Resources Officer will advise the complainant in writing of its retention.

3.3.3 Retention of the complaint

Once the complaint has been retained, the Member/Whip/Chief Human Resources Officer (as appropriate) will review the matter to determine if the alleged facts meet the harassment definition in the *House of Commons Policy on Preventing and Addressing Harassment* and, if required to determine this, may seek additional information. The Member or Whip may choose to consult with the Chief Human Resources Officer if required to make the determination.

If the Member/Whip/Chief Human Resources Officer (as appropriate) concludes that the alleged facts related to the complaint do not meet the definition of harassment, the complainant will be notified immediately and will be redirected to the appropriate resources available, such as counselling.

If the alleged facts meet the definition of harassment, the Member/Whip/Chief Human Resources Officer (as appropriate) will advise the complainant accordingly, in writing. A Member or Whip will also advise the Chief Human Resources Officer for his or her records.

3.3.4 Informing the respondent and the Whip(s)

The Member/Whip/Chief Human Resources Officer (as appropriate) will then advise the respondent of the complaint, **review** the policy with him or her, and provide him or her with a copy of the written complaint. The respondent can respond in writing to the allegations. The Member/Whip (as appropriate) will then advise the Chief Human Resources Officer for his or her records.

3.3.5 Exploring options for resolving the harassment complaint

In order to resolve the harassment complaint, the Member/Whip/Chief Human Resources Officer (as appropriate) will explain the available options to the complainant and the respondent, such as mediation and investigation. The Member or Whip may consult with the Chief Human Resources Officer with respect to available options. In the absence of agreement with regard to a mediator, the Member/Whip/Chief Human Resources Officer shall select a mediator.

The mediation process

Both parties are strongly encouraged to consider resolving the situation through mediation; however, the approval of both the complainant and the respondent is required prior to initiating mediation.

The Member/Whip/Chief Human Resources Officer (as appropriate) will usually solicit the assistance of external expertise, unless the parties agree to another format for mediation. The Chief Human Resources Officer maintains a list of experienced external mediators, which will

be made available to a Member or Whip upon request. If mediation is requested, the Member/Whip/Chief Human Resources Officer (as appropriate) will provide the list to the complainant and the respondent so that they may select a mediator.

The complainant and the respondent may each be accompanied by a support person of their choice during the mediation or investigation process. At the end of the mediation session, provided an agreement is reached, a written agreement is drafted and signed by both parties outlining what they have agreed to in order to redress the situation. This agreement is a confidential document and copies are only given to the complainant, the respondent and, for the purposes of follow-up, the Member/Whip/Chief Human Resources Officer (as appropriate). A Member or Whip will inform the Chief Human Resources Officer when mediation is chosen, and whether it succeeds or fails for his or her records.

If mediation is not chosen, or if it fails, the Member/Whip/Chief Human Resources Officer (as appropriate) will initiate an investigation into the harassment complaint. At any time during the investigation of a complaint, mediation may be used, providing both parties agree.

3.3.6 Initiating an investigation process

The Member/Whip/Chief Human Resources Officer (as appropriate) will hire an external investigator from a list of experts maintained by the Chief Human Resources Officer. It should be noted that the investigator selected is never the same person as the mediator (if one is used).

The Member/Whip/Chief Human Resources Officer (as appropriate) will then initiate and monitor the investigation and provide the complainant, the respondent and the respective superiors(s) with regular updates on the process, respecting the confidentiality of all persons involved.

The investigator will review the formal written complaint and the facts, and then interview the complainant, respondent and witnesses. Each individual will be interviewed separately and will be required to sign his or her statement, indicating agreement. The investigator will then determine, based upon a balance of probabilities, whether the complaint is:

- Substantiated;
- Partially substantiated;
- Not substantiated; or
- Frivolous or in bad faith

3.3.7 Communication of the draft investigation report to the complainant and the respondent

Once the investigator has completed his/her investigation, a draft investigation report will be given to the Member/Whip/Chief Human Resources Officer (as appropriate), who will then distribute it to the complainant and the respondent for their review. Once they receive it, the complainant and the respondent have 10 working days to submit, in writing, any comments on the draft to the Member/Whip/Chief Human Resources Officer (as appropriate). The comments

received from the complainant and the respondent will be submitted to the investigator for consideration. The draft investigation report will be treated in a manner that respects the personal information contained in the report.

3.3.8 Communication of the final investigation report and investigator's findings

The investigator will advise the Member/Whip/Chief Human Resources Officer (as appropriate) of the final findings and provide him or her with the original copy of the final investigation report. The Member/Whip/Chief Human Resources Officer (as appropriate) will then provide a copy of the investigation report, along with a letter of confirmation, to the complainant and the respondent within 10 working days of receiving it from the investigator. At that time, the Member/Whip/Chief Human Resources Officer (as appropriate) will inform the complainant and respondent of their right to appeal the investigation findings within 15 working days of receiving the report. In the case of an appeal, a copy of the investigation report will also be distributed to the members of the appeal panel.

After the 15-working day appeal period ends, provided that neither party has filed an application for appeal, and should the respondent feel that his or her reputation has been compromised in cases where a complaint has been found to be unsubstantiated, frivolous or in bad faith, he or she may submit a written request to the Member/Whip/Chief Human Resources Officer (as appropriate) asking that the outcome of the investigation be communicated to all parties involved. The Member/Whip/Chief Human Resources Officer (as appropriate) will speak to any witnesses to advise them of the investigator's findings i.e. that the complaint was found to be unsubstantiated. The investigation report will be treated in a manner that respects the personal information it contains.

3.3.9 Appealing an investigator's findings

If unsatisfied with an investigator's findings, the complainant or the respondent may appeal the investigation report within 15 working days of receiving it.

The notice of appeal must be made in writing to the Member/Whip/Chief Human Resources Officer (as appropriate) and set forth the grounds upon which the review of the investigation report is sought.

3.3.10 Striking of the appeal panel

Within 10 working days of receiving the notice, the Member/Whip/Chief Human Resources Officer (as appropriate) shall strike an appeal panel. In the interest of conducting an impartial review process, the three members of the appeal panel shall be selected as follows:

- A person appointed by the complainant;
- A person appointed by the respondent; and
- An external expert who shall act as chair of the appeal panel (to be appointed from a pre-established list of recognized professionals)

The members of the appeal panel shall not have a direct working relationship with the complainant or the respondent, have any direct involvement in the complaint or be likely to be involved in any subsequent processes relating to the complaint. The Member/Whip/Chief Human Resources Officer (as appropriate) will inform the complainant and the respondent of the names of the members of the appeal panel.

3.3.11 Appeal process and outcome

An appeal may be allowed on any one or more of the following grounds:

- a) There is new information that was not available during the original investigation and that could have a material impact on the findings of the investigation report;
- b) Based on the evidence cited in the investigation report, the findings or some of the findings seem unwarranted;
- c) There is material evidence of bias on the part of the investigator; or
- d) There was a serious breach of the principles of natural justice, including due process

In deciding the appeal, the appeal panel may:

- a) Review all documents considered by the investigator in the preparation of the report, including taped hearings or interviews, if any;
- b) Receive written or oral submissions from the complainant and respondent and from such other persons as the appeal panel may consider necessary in order to dispose of the appeal; and
- c) Consult any technical expert, including the Chief Human Resources Officer and the Law Clerk and Parliamentary Counsel, as the appeal panel may consider necessary in order to dispose of the appeal.

Once the appeal panel has completed its review of the matter, the appeal panel will either:

- a) Affirm the investigation report, with or without revisions, in relation to such matters as may be raised in the appeal;
- b) Set aside the findings of the investigation report and order a new investigation; or
- c) Set aside the findings of the investigation report.

The appeal panel will provide a written decision, with reasons, to the complainant, the respondent and the Member/Whip/Chief Human Resources Officer (as appropriate) following the completion of the appeal process. The Member or Whip will provide the Chief Human Resources Officer with a summary of the appeal panel decision. The appeal panel's decision constitutes final disposition of the appeal under the *House of Commons Policy on Preventing and Addressing Harassment*.

3.3.12 Communicating findings

Following the communication of the outcome of the investigation or the appeal, the Member or Whip will meet with the Chief Human Resources Officer and brief him or her on the final investigation report findings.

3.3.13 Safekeeping of documents

The harassment complaint file contains all documentation gathered during the resolution of a harassment complaint, including the original complaint, the investigation report and all statements, correspondence and evidence gathered during the investigation.

During the course of an investigation, all harassment complaint files will be recorded as an official record, securely kept in the Office of the Member/Whip/Chief Human Resources Officer (as appropriate) under lock and key, and accessed only by the Member/Whip/Chief Human Resources Officer (as appropriate).

Once the investigation is complete and the appeal period has passed (or in the case of an appeal, once the appeal is complete), all files will be transferred to the Office of the Chief Human Resources Officer to be kept in a locked cabinet for a five-year retention period. Access to these files is restricted. The only individual able to access them is the Member/Whip/Chief Human Resources Officer (as appropriate). After the five-year period has expired, all records will be destroyed by the CHRO.

4. Rights and Responsibilities of the Complainant and the Respondent

4.1 Rights of the Complainant and the Respondent

COMPLAINANT	RESPONDENT
• receive fair and equitable treatment;	• receive fair and equitable treatment;
• submit a complaint of harassment and have it reviewed in a prompt, sensitive and impartial manner, without fear of embarrassment or retaliation; • If the Member/Whip/Chief Human Resources Officer (as appropriate) concludes that the alleged facts related to the complaint do not meet the definition of harassment, or concern a labour relations matter, the complainant will be notified immediately and will be redirected to the appropriate recourse mechanism.	• be informed by the with Member/Whip/Chief Human Resources Officer (as appropriate) that a written complaint that falls within the scope of the policy has been received; • be informed in writing of the allegations; • be provided with the opportunity to respond to a written complaint of harassment against him or her. The response can be submitted in writing, if desired;
• be provided with a copy of the <i>House of Commons Policy on Preventing and Addressing Harassment</i> and the supporting documents, and be advised of his or her rights and responsibilities under the policy;	• be provided with a copy of the <i>House of Commons Policy on Preventing and Addressing Harassment</i> and the supporting documents, and be advised of his or her rights and responsibilities under the policy;

COMPLAINANT	RESPONDENT
be informed of the options available for complaint resolution, including alternate dispute resolution (ADR) methods such as facilitation and mediation;	be informed of the options available for complaint resolution, including alternate dispute resolution (ADR) methods such as facilitation and mediation;
be accompanied by a support person of his or her choice during mediation, the investigation process or the appeal process, and be advised of the protocol that will be followed during each;	be accompanied by a support person of his or her choice during mediation, the investigation process or the appeal process, and be advised of the protocol that will be followed during each;
be advised of the investigation protocol and the need for confidentiality, provide the names of witnesses, obtain information related to the status of the investigation, and receive a copy of the investigation report;	be advised of the investigation protocol and the need for confidentiality, provide the names of witnesses, obtain information related to the status of the investigation, and receive a copy of the investigation report;
appeal the investigator's findings, be informed of the composition of the appeal panel, inform the panel of his or her concerns and receive a decision with reasons from the panel;	appeal the investigator's findings, be informed of the composition of the appeal panel, inform the panel of his or her concerns and receive a decision with reasons from the panel;
be advised as to whether corrective and/or disciplinary measures were taken against the respondent in the case where a complaint was found to be substantiated or partially substantiated;	be advised as to whether corrective and/or disciplinary measures were taken against the complainant in the case of a frivolous or bad faith complaint;
provide written consent for the distribution of the investigation report to other persons not specified in the policy;	provide written consent for the distribution of the investigation report to other persons not specified in the policy;
provide written consent for the viewing of the archived complaint file by an individual; and	provide written consent for the viewing of the archived complaint file by an individual; and
upon request, be provided with access to a House of Commons Administration resource person.	upon request, be provided with access to a House of Commons Administration resource person.
unless a complaint has been deemed by an investigator to be frivolous or in bad faith, there shall be no disciplinary measures taken against a complainant for filing a complaint under this policy.	

4.2 Responsibilities of the Complainant and the Respondent

COMPLAINANT	RESPONDENT
consider addressing the matter directly with the respondent;	cease immediately any improper behaviour when requested to do so by a complainant or a supervisor;
raise the matter with his or her immediate supervisor, or if the supervisor is the respondent, with a higher authority;	
respect confidentiality at all times during and following the completion of the harassment complaint resolution process;	respect confidentiality at all times during and following the completion of the harassment complaint resolution process;
clearly state the allegations of their complaint, providing sufficient details of the incident(s) such as time, place and participants in order to assist in the assessment and resolution of the complaint;	promptly and clearly respond to the allegations of a complaint against them, and if possible, provide details of the incident(s) such as time, place and participants in order to assist in the assessment and resolution of the complaint;
inquire as soon as possible about the options available to him or her in order to resolve the conflict;	inquire as soon as possible about the options available to him or her in order to resolve the conflict;
make a reasonable effort towards resolving the situation through the use of alternate dispute resolution methods;	make a reasonable effort towards resolving the situation through the use of alternate dispute resolution methods;
consider the use of mediation prior to the initiation of an investigation;	consider the use of mediation prior to the initiation of an investigation;
participate in a cooperative fashion in the resolution process being pursued, including responding promptly to requests for information, and be available for meetings with the Member/Whip/Chief Human Resources Officer (as appropriate), the mediator and/or the investigator, and the appeal panel;	participate in a cooperative fashion in the resolution process being pursued, including responding promptly to requests for information, and be available for meetings with the Member/Whip/Chief Human Resources Officer (as appropriate), the mediator and/or the investigator, and the appeal panel;
respect the terms of the agreement if the complaint is resolved through mediation; and	respect the terms of the agreement if the complaint is resolved through mediation; and
do not discuss the complaint with anyone except the persons responsible for its resolution, or other advisor(s).	do not discuss the complaint with anyone except the persons responsible for its resolution, or other advisor(s).

5. Roles and Responsibilities

5.1 Board of Internal Economy

The Board of Internal Economy is responsible for ensuring that the existence of the *House of Commons Policy on Preventing and Addressing Harassment* is communicated. The Board is also responsible for addressing any systemic harassment or discrimination that is brought to its attention.

5.2 Whips

Whips will:

- respect confidentiality at all times;
- ensure that Members and their staff are aware of the policy;
- work with the Chief Human Resources Officer to ensure that proper training on preventing harassment is provided to Members and staff;
- encourage alternate dispute resolution should a conflict arise between two persons under their area of responsibility;
- receive a complaint and transmit it to the Chief Human Resources Officer (when appropriate);
- when appropriate, work with the Chief Human Resources Officer in the administration of this policy and related processes;
- receive the results of an investigation for someone under their area of responsibility;
- take any corrective action required as a result of the investigation;
- when appropriate, manage the complaint process or delegate management of the process to available resources within their area of responsibility;
- when appropriate, receive, acknowledge and review the harassment complaint;
- when appropriate, advise all persons involved of the policy, their responsibilities and the options for conflict resolution;
- when appropriate, hire the appropriate resource persons as required, such as mediators or investigators;
- when appropriate, receive the investigation report;
- when appropriate, provide a copy of the draft and final investigation report to the complainant, the respondent and, in the event of an appeal, the appeal panel,;
- when appropriate, send a letter of confirmation to each of the parties confirming that they were provided with a copy of the investigation report and advising them of their right to appeal the findings;
- when appropriate, communicate the investigator's findings, in writing, to the complainant's and the respondent's superior(s);
- when appropriate, ensure the proper safekeeping of all harassment files; and
- when appropriate, follow up to ensure that all required corrective and/or disciplinary measures have been implemented.

5.3 Chief Human Resources Officer

The Chief Human Resources Officer is responsible for ensuring that the policy is reviewed on a regular basis.

In the event of a harassment complaint, the Chief Human Resources Officer will:

- respect confidentiality at all times;
- when appropriate, receive, acknowledge and review the harassment complaint;
- when appropriate, advise all persons involved of the policy, their responsibilities and the options for conflict resolution; when appropriate, hire the appropriate resource persons as required, such as mediators or investigators;
- when appropriate, receive the investigation report;
- when appropriate, provide a copy of the draft and final investigation report to the complainant, the respondent and, in the event of an appeal, the appeal panel,;
- when appropriate, send a letter of confirmation to each of the parties confirming that they were provided with a copy of the investigation report and advising them of their right to appeal the findings;
- when appropriate, communicate the investigator's findings, in writing, to the complainant's and the respondent's superior(s);
- when appropriate, ensure the proper safekeeping of all harassment files;
- when appropriate, follow up to ensure that all required corrective and/or disciplinary measures have been implemented; and
- when appropriate, ensure that all harassment files are shredded when the five-year retention period has expired and inform the employee and his/her superior that the records have been destroyed.

5.4 Members and Employees with supervisory duties

All Members and employees with supervisory duties are responsible for managing their workplace in a manner that promotes a harassment-free environment. They are responsible for promptly putting an end to any harassment that they become aware of, whether or not a complaint has been made. All Members and employees with supervisory duties are responsible for ensuring that their employees are familiar with the *House of Commons Policy on Preventing and Addressing Harassment* and that they attend the awareness sessions on the policy and on harassment prevention.

In the event of a harassment complaint, the Member or employee with supervisory duties will:

- respect confidentiality at all times;
- inform the Chief Human Resources Officer of the harassment complaint;
- determine, in consultation with the Chief Human Resources Officer, whether there is a need to physically or hierarchically relocate the respondent or complainant;
- monitor the situation until it is fully resolved or until corrective and/or disciplinary measures have been taken;

- implement any required corrective and/or disciplinary measures;
- re-establish a positive workplace environment and ensure that any actions required to resolve any issues and reduce negative feelings are taken;
- and monitor the situation for a period of up to two years following the resolution of the complaint.

5.5 Persons Employed by Members, House Officers and Research Offices

Persons employed by Members, House Officers and Research Offices and covered by this policy will:

- prevent conflict and harassment by contributing to an atmosphere of mutual trust, support and respect;
- be familiar with this policy and any related documentation;
- ensure their behaviour is in accordance with the policy;
- change their behaviour as necessary when they are reasonably aware or advised that another individual objects to their behaviour or words;
- identify behaviour, words or signs that they find offensive and indicate that such behaviour or words are unacceptable;
- approach the appropriate level of authority, including their Member or Whip or the Chief Human Resources Officer, for guidance on how to deal with possible harassment;
- understand that retaliation against any individual associated in any way with a complaint under this policy is considered harassment;
- understand that persons covered by this policy who deliberately make false statements may be subject to disciplinary or corrective measures; and
- be aware of their responsibility as potential witnesses.

5.6 Investigator

The investigator is responsible for conducting the investigation in a fair, impartial and timely manner. He or she is also responsible for informing the complainant, the respondent, witnesses and support persons of the protocol that will be followed and of their roles in the investigation process.

In the event of a harassment complaint, the investigator will:

- respect confidentiality at all times;
- interview the parties and witnesses and review the necessary documentation;
- document all information relevant to the proceedings and gather signatures where appropriate;
- keep the Member/Whip/Chief Human Resources Officer (as appropriate) informed about the status of the investigation;
- prepare a draft report and the final investigation report that outlines: (1) an analysis of the evidence gathered; (2) the investigation findings as to whether the complaint is substantiated, partially substantiated, not substantiated, or frivolous or in bad faith, and

- (3) the justification for his or her conclusions; and
- submit the original copy of the investigation report to the Member/Whip/Chief Human Resources Officer (as appropriate).

5.7 Witnesses

Witnesses are responsible for meeting with the investigator or the appeal panel, as requested, and for completely, accurately and honestly answering the questions asked by the investigator or the appeal panel regarding their first-hand knowledge of the alleged harassment incidents.

In the event of a harassment complaint, a witness will:

- respect confidentiality at all times;
- cooperate with the mediator, investigator or appeal panel; and
- sign his or her statement to the investigator, indicating agreement.

5.8 Support Persons

Support persons are responsible for voluntarily accompanying the complainant or the respondent and providing moral support to him or her during the mediation, investigation or appeal processes. They are not to speak on behalf of, nor do they represent the complainant or respondent. All support persons are also responsible for complying with the policy.

In the event of a harassment complaint, a support person will:

- respect confidentiality at all times;
- offer support to the complainant and the respondent and not speak on their behalf; and
- cooperate with the facilitator, mediator, investigator or appeal panel.

5.9 Appeal Panel

The appeal panel is responsible for conducting the review of the investigator's findings in a fair and impartial manner. It is also responsible for informing the complainant, respondent, witnesses and support persons of the protocol that will be followed and their roles in the appeal process.

During the appeal process, the appeal panel will:

- respect confidentiality at all times;
- review pertinent elements of the investigation report;
- request pertinent documents;
- summon and interview both parties and witnesses;
- confirm or revoke the investigator's findings;
- ensure that, if new facts are justified and subsequently introduced, both parties are given an opportunity to respond to them;

- request a new analysis of the facts pertaining to one or more of the allegations, if required; and
- submit a report to the Member/Whip/Chief Human Resources Officer (as appropriate), confirming or disproving that:
 - the findings of the report were based on fact;
 - the facts or statements contained in the investigator's report were clear;
 - the rights of both parties were respected throughout the investigation process; and
 - the investigation was fair and impartial.

6. Monitoring, Review and Reporting

6.1 Monitoring and Review

The Chief Human Resources Officer will monitor the implementation of the *House of Commons Policy on Preventing and Addressing Harassment* and will provide the Board of Internal Economy with an annual statistical report on the following information:

- the number, nature and outcome of harassment complaints;
- the number, nature and outcome of alternate dispute resolution processes, such as mediation;
- the outcome of preliminary complaint reviews, investigations and appeals and the corresponding corrective and/or disciplinary measures, including those recommended; and
- the number of persons who attended information or training sessions related to the *House of Commons Policy on Preventing and Addressing Harassment*.

6.2 Other Recourse

1. If the matter appears likely to constitute an assault as described in the *Criminal Code*, including sexual assault, it may be a criminal matter. If the circumstances of such a case occur within the parliamentary precinct, the office of the Sergeant-at-Arms should be contacted. The Sergeant-at-Arms may inquire into the matter and consider what action may be appropriate, including whether to refer the matter to the competent authority. If the circumstances of such a case occur outside the parliamentary precinct, the matter should be referred to the competent authority.
2. If a complainant is pursuing more than one option to deal with the same complaint, the Member/Whip/Chief Human Resources Officer may suspend or conclude the formal process until the complainant has exhausted the other process.

Appendix A: Glossary

Alternate dispute resolution (ADR): Involves the use of problem-solving techniques such as facilitation and mediation that assist in resolving disputes without the use of formal processes such as an investigation.

Complainant: A person covered by this policy who brings forward a complaint of harassment.

Complaint: An oral or written statement of alleged harassment made by a person covered by this policy to either his or her manager or the Chief Human Resources Officer. A complaint must specify, clearly and in detail, the objectionable incident(s), behaviour(s) or comment(s).

Due process: A term that is based on the principles of natural justice and the right to fairness. It includes the right of the respondent to know there is a case against him or her and to be provided with an opportunity to respond fully to all allegations to a neutral party. Additionally, it provides both the complainant and the respondent with the right to an unbiased investigation, and to a fair and appropriate outcome based on the facts.

Early resolution: The objective of early resolution is to resolve any situation or conflict as quickly as possible, in a fair and respectful manner, without having to resort to a formal complaint process.

Facilitation: A conflict resolution technique in which a third party is involved in some way by helping the parties in dispute, often by managing their discussions.

Frivolous or bad faith complaint: Any oral or written harassment complaint that is filed with frivolous, vexatious, malicious, misleading or deceptive intent or is otherwise ill-intentioned.

Manager: The individual responsible for a House of Commons work location and operations therein and who has the authority to take corrective and/or disciplinary measures, if required.

Mediation: A voluntary process whereby a trained, neutral third party acceptable to both the complainant and respondent assists them in reaching a mutually agreeable solution. The mediator does not have any decision-making authority. A written agreement is used and signed at the end of successful mediation outlining the agreement reached between the parties.

Natural justice: Refers to the rights of both the complainant and the respondent to know the case against them, to be heard, to challenge the information, and to receive unbiased treatment at the hands of a fair, impartial hearer of fact. Further, information pertaining to the complaint or reasons for measures taken should be routinely disclosed to the parties.

Parties: Both the complainant and the respondent, unless otherwise specified.

Respondent: A person covered by this policy against whom a complaint of harassment is brought forward.

Support person: Any friend, colleague, manager or union representative, as chosen by the complainant or the respondent to accompany him or her for moral support during meetings and interviews pertaining to the resolution of a harassment complaint. The complainant and the respondent may each be accompanied by one support person during any of the resolution processes, i.e., mediation, investigation, appeal.

Witness: Any individual who has first-hand knowledge of any facts or evidence surrounding a harassment complaint.

Workplace: Any place where the business of the House of Commons is being carried out. It includes, but is not limited to:

- all offices or other premises where the business of the House of Commons is being conducted; and
- locations and situations, including business travel, conferences and work-related social gatherings, where House of Commons-related activities are performed and where inappropriate behaviour or comments might reasonably be perceived to have a subsequent impact on work relationships, environment or performance.