



SENATE | SÉNAT
CANADA

POLICY ON THE PREVENTION AND RESOLUTION OF HARASSMENT IN THE SENATE WORKPLACE

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1.0 POLICY STATEMENT

1.1 Purpose

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

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

1.2 Application

The Policy applies to:

- senators;
- the Senate Administration's Executive Committee;
- directors, managers and supervisors of the Senate Administration;
- employees of the Senate Administration;
- staff of senators;
- independent contractors who are contracted by a senator or the Senate Administration;
- and
- students, interns and volunteers working in offices of senators or the Senate Administration.

This Policy applies at all times and in all places, including in respect of conduct away from the workplace, such as at a social event or on social media. The Policy ceases to apply in respect of a person who ceases to work in the Senate; however, former employees of the Senate may make a formal complaint under this Policy, provided that the last alleged incident occurred within twelve (12) months of their last day of employment with the Senate and the complaint is made no later than three (3) months after the date of that former employee's departure.

For the purposes of the interpretation and application of this Policy, complaints against independent contractors who are contracted by a senator are to follow the process provided for complaints against a senator's staff. Similarly, for the purposes of the interpretation and application of this Policy, complaints against independent contractors who are contracted by the Senate Administration are to follow the process provided for complaints against a Senate Administration employee.

1.3 Context

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

1.4 Definitions

Abuse of Authority

Improperly using a position of authority to endanger another person’s job, undermine job performance, threaten the person’s livelihood or negatively interfere with their career. It includes humiliation, intimidation, threats and coercion.

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

Harassment

Any improper behaviour or conduct by an individual that is directed at and is offensive to another person or persons in the workplace that the individual knew or ought reasonably to have known would cause offence or be unwelcome.

Harassment includes any objectionable conduct, comment or display — either on a one-time or recurring basis — that demeans, belittles or causes personal humiliation or embarrassment to a person.

It also includes harassment based on the prohibited grounds of discrimination under the *Canadian Human Rights Act*, which include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, physical or mental disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Harassment includes:

Sexual Harassment

Any conduct, comment, gesture or contact of sexual nature, whether on a one-time or recurring basis, that is likely to cause offence or humiliation or might reasonably be perceived as placing a condition of sexual nature on employment, or opportunities for training or promotion.

Sexual harassment may include sexual assault; demands for sexual favours; inappropriate or unwanted physical contact, such as touching, patting or pinching; insulting comments, gestures or jokes of a sexual nature that cause discomfort or

embarrassment; and inappropriate enquiries or comments about an individual's sexual activities.

Cyber Harassment or Cyberbullying

Using technology such as email, instant messaging, social networking sites (such as Facebook or Twitter) or text messages to harass, threaten, embarrass or target another person including through denigrating or humiliating comments, spreading rumours, or circulating inappropriate pictures.

Bullying and Mobbing

Using force, threats or coercion to abuse, intimidate or dominate others. Mobbing usually refers to the bullying of an individual by a group. This form of workplace harassment occurs as emotional abuse, including "ganging up" by co-workers, subordinates or superiors to force someone out of the workplace through rumour, insinuation, humiliation, discrediting and isolation.

Violence in the Workplace

Any act that results in injury or threat of injury, real or perceived, including acts of aggression, verbal or written threats and vandalism of personal property.

1.5 Guiding Principles

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

1.5.1 Confidentiality

Respect for the privacy of all involved is paramount in any harassment-related matter. All matters under this Policy (e.g., enquiries, complaints, mediation, investigations, etc.) are to be treated confidentially. Information in relation to matters under this Policy may only be disclosed in accordance with this Policy or as required by law. Unauthorized disclosure of information may be subject to disciplinary action. Finally, disclosure of any information that is likely to reveal the identity of a person involved in a complaint (parties or witnesses) outside of the complaint resolution process and without that person's written consent is prohibited, unless required by law. For greater certainty, any person involved in a formal complaint under this Policy (such as a complainant or witness) may inform their manager or supervisor, while respecting the confidentiality of the complaint, of their involvement in the resolution of a complaint for the purpose of the manager or supervisor facilitating that person's involvement in any process under this Policy.

1.5.2 Procedural fairness

Every person who participates in any process under this Policy is to be treated with respect and dignity. As well, every complainant and respondent who participates in any process under this Policy has the right to be heard, the right to information about the process and the right to receive a fair, timely and impartial decision.

1.5.3 Timeliness

Matters in relation to this Policy are expected to be addressed promptly. All complaints must be submitted within twelve (12) months from the last alleged incident. Formal complaints made under this Policy should be resolved within six (6) months unless there are extenuating circumstances.

1.5.4 Protection against reprisal

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

1.6 The Impartial Third Party

Complaints are brought to an Impartial Third Party to ensure the impartiality of the complaint intake process. The Impartial Third Party will be an external firm retained by the Senate to manage all aspects of complaints under this Policy. The services provided by the Impartial Third Party include:

- receiving and acknowledging all complaints and determining their admissibility under the Policy;
- appointing an external resource to assist with alternative dispute resolution methods;
- appointing an experienced, independent external investigator to investigate allegations made in an admissible complaint;
- working with the Head of Human Resources to contact all relevant parties or witnesses required in investigations;
- submitting a final report to the relevant Decision-Making Authority following the conclusion of an investigation in respect of a respondent who is not a senator;
- submitting a final report to the Senate Ethics Officer following the conclusion of an investigation in respect of respondent who is a senator;
- managing an anonymous harassment-prevention hotline for all persons working at the Senate;
- establishing an optional and anonymous mechanism (e.g. survey) for parties to voluntarily provide comments about the effectiveness of the complaint resolution process to be reported to the subcommittee of CIBA designated for the purposes of this Policy; and
- providing statistical reports to the subcommittee of CIBA designated for the purposes of this Policy regarding the number and types of complaints handled, as well as information regarding concerns reported by bystanders.

1.7 Preventing Harassment, Violence, and Abuse of Authority

The Senate encourages all individuals in the workplace to work together to prevent harassment, violence and abuse of authority. Simply put, these behaviours are unacceptable in the workplace.

Inappropriate or unwelcome conduct in the workplace can negatively affect working relationships and may exacerbate power imbalances. Left unmanaged, these situations may

contribute to environments in which people feel or are harassed. Providing individuals with avenues to constructively and expeditiously resolve concerns can reduce or eliminate the potential for harassment and violence in the workplace, thereby contributing to a healthy and positive work environment for everyone. To resolve such situations, there are several options available as outlined below.

1.7.1 Addressing Inappropriate or Unwelcome Behaviour

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

When faced with inappropriate or unwelcome behaviour in the workplace, impacted individuals may approach their senator, manager, supervisor, union representative or a person of trust to seek support and guidance in addressing any situation. Additionally, support can be sought through the Employee and Family Assistance Program.

1.7.2 Bystanders and Other Witnesses

Everyone has a role to play in ensuring a workplace that is free from harassment, violence and abuse of authority. Anyone who observes behaviour that may be incompatible with this Policy is encouraged to approach the person engaging in objectionable behaviour to discuss the situation and ask them to refrain from it or reconsider their conduct. As well, a bystander or witness to inappropriate conduct directed at a colleague is encouraged to inform the colleague of the Policy and their right to make a formal complaint. A bystander or other witness to inappropriate conduct may not make a formal complaint under this Policy; however, they are encouraged to communicate any concerns about behaviour that they observed to a person in authority whom they trust, to the Human Resources Directorate or to the Impartial Third Party.

While the Impartial Third Party may not initiate a formal complaint on behalf of a bystander, it will record information received for statistical purposes and for further consideration if a formal complaint is filed in relation to the conduct reported by the bystander.

1.7.3 Early Resolution

If a matter cannot be resolved directly or if individuals are unable to communicate or are uncomfortable communicating directly with the person who engaged in objectionable behaviour, alternative dispute resolution methods (e.g., conversation coaching, facilitation or mediation) may be available to help address the situation in a fair, constructive and respectful manner. These alternative dispute resolution methods may be accessed confidentially through the Impartial Third Party on a voluntary basis.

1.7.4 Other Recourse

An individual who feels they have experienced harassment, violence or abuse of authority may have access to recourse procedures (such as filing a grievance) under applicable terms and conditions of employment, collective agreements or statutes. In some circumstances, it may be possible to file a complaint under the *Canadian Human Rights Act*. A person may not make a complaint under this Policy if they are also seeking to address the conduct through a recourse or grievance process under their terms and conditions of employment, a collective agreement or under a statute.

A senator's conduct that contravenes this Policy may constitute non-compliance with the *Ethics and Conflict of Interest Code for Senators* (Code). To avoid duplicative investigations, no formal complaint may be made under this Policy if, in respect of the same conduct, the Senate Ethics Officer (SEO) has received a request to conduct an inquiry or the Senate Ethics Officer has commenced a preliminary review or inquiry.

If a matter is before the SEO that relates to harassment, violence or abuse of authority within the meaning of this Policy, the SEO will forward the matter to the Impartial Third Party. The Impartial Third Party will proceed as if a formal complaint had been made, beginning with the assessment of whether the Policy applies and if the complaint is admissible.

If the matter referred to the Impartial Third Party does not contain an admissible complaint to which this Policy applies, the Impartial Third Party will inform the SEO of this determination and the reasons for it. The SEO may then proceed with the matter as otherwise provided under the Code.

1.8 Filing a Formal Complaint

A formal complaint may be made under this Policy if an individual feels they have experienced harassment, violence or abuse of authority in the workplace. The formal complaint process is provided below.

1.8.1 Formal Complaint Process

STEPS	PROCEDURE
STEP 1 Filing a Complaint	1.1 A formal complaint is made orally or in writing by the complainant communicating directly to the Impartial Third Party. 1.2 The details of the formal complaint must include the following requirements: a. the complainant's name; b. the name of the respondent(s) and the relationship of the respondent(s) to the complainant (e.g., supervisor, colleague or other);

STEPS	PROCEDURE
	<ul style="list-style-type: none"> c. date(s), location(s) and description of the alleged incident(s) and the type of behaviour alleged (e.g. harassment, violence, abuse of authority); d. names of witnesses, if any; e. if the formal complaint is made in writing, the signature (may be electronic) of the person making the complaint. <p>1.3 In respect of an oral formal complaint, the Impartial Third Party will prepare, as soon as possible, a summary of the formal complaint for the review and signature of the complainant. The Impartial Third Party may only proceed in respect of an oral formal complaint after the complainant has signed off on the written summary.</p> <p>1.4 All formal complaints are confidential. The Impartial Third Party may only disclose information about a formal complaint for the purpose of the administration of this Policy and only to those who have a need to know; however, if the Impartial Third Party fears for a complainant’s safety in the workplace, the Impartial Third Party will immediately inform the Senate Human Resources Directorate.</p> <p>1.5 The complainant must inform the Impartial Third Party if, in relation to the same conduct, they are seeking recourse under applicable terms and conditions of employment, a collective agreement or statute. A complainant must also inform the Impartial Third Party if a request has been made to the Senate Ethics Officer under <i>Ethics and Conflict of Interest Code for Senators</i> in relation to the same conduct.</p>
<p>STEP 2 Acknowledgement of the Formal Complaint</p>	<p>2.1 Upon receipt of the formal complaint, the Impartial Third Party will immediately acknowledge it in writing.</p> <p>If appropriate, the Impartial Third Party will also assess if any preventative or precautionary measures are required (e.g., physical or organizational reassignment) to accommodate and protect the complainant until the matter is resolved and will inform the Senate Human Resources Directorate accordingly.</p>
<p>STEP 3 Confirmation of Policy Application</p>	<p>3.1 The Impartial Third Party will assess whether the Policy applies in the circumstances immediately after acknowledging its receipt. For example, whether the Policy applies to the complainant and the respondent.</p> <p>3.2 If at this stage the Impartial Third Party is of the view that the Policy does not apply, the Impartial Third Party informs the complainant, in writing, that the Policy does not apply, outlines the reasons why, and if appropriate suggests other means of resolving the issue.</p>

STEPS	PROCEDURE
<p>STEP 4 Assess Admissibility of the Formal Complaint</p>	<p>4.1 The Impartial Third Party will assess the admissibility of a formal complaint immediately after determining that the Policy applies. A formal complaint is only admissible if</p> <ul style="list-style-type: none"> a. all formal complaint requirements described in <i>Step 1 – Filing a Formal Complaint</i> are met; b. the latest alleged incident occurred no more than twelve (12) months from the date on which the formal complaint is submitted; c. if the complainant has left the Senate, the complaint was filed no later than three (3) months following the complainant’s departure from the Senate; d. the complainant has not sought any alternative recourse under their terms and conditions of employment, a collective agreement or a statute; e. the conduct is not the subject of a request under the <i>Ethics and Conflict of Interest Code for Senators</i>; and f. the alleged conduct could constitute harassment, violence or abuse of authority as defined in this Policy. <p>4.2 The Impartial Third Party will inform the complainant, as soon as possible, of the admissibility of the formal complaint, in accordance with the following:</p> <p>The formal complaint is admissible — The Impartial Third Party informs the complainant, in writing, that the formal complaint is admissible and provides the respondent with a copy of the formal complaint. The Impartial Third Party also informs the applicable Notified Authority that a complaint has been received and is admissible.</p> <p>The formal complaint is not admissible — The Impartial Third Party informs the complainant in writing that the formal complaint is inadmissible, outlines the reasons why, and if appropriate suggests other means of resolving the issue.</p> <p>An admissibility determination by the Impartial Third Party is final and cannot be appealed.</p>

STEPS	PROCEDURE
<p>STEP 5 Alternative Dispute Resolution Methods</p>	<p>5.1 If appropriate, the Impartial Third Party may recommend alternative dispute resolution methods — including facilitation and mediation – prior to appointing an external investigator. If the complainant and the respondent agree, the Impartial Third Party will appoint an external resource to facilitate alternative dispute resolution methods.</p> <p>5.2 If alternative dispute resolution methods are inappropriate, impossible or prove unsuccessful, the Impartial Third Party will proceed to appoint an external investigator.</p> <p>5.3 At any point during the investigation, the parties may, by mutual agreement, return to alternative dispute resolution methods, in which case the external investigation is suspended during that period. If alternative dispute resolution methods are unsuccessful, the investigation will resume.</p>
<p>STEP 6 Investigation</p>	<p>6.1 Within fifteen (15) working days of determining that a formal complaint is admissible, the Impartial Third Party will appoint an experienced external investigator to investigate the formal complaint. However, if the parties decide to participate in an alternative dispute resolution method, the Impartial Third Party will appoint an external investigator only if notified that alternative dispute resolution methods have been abandoned by the parties. When an external investigator is appointed, the Impartial Third Party will immediately inform the Decision-Making Authority that an investigation has commenced and will inform the complainant and the respondent of the external investigator appointed. The Impartial Third Party will work with the Head of Human Resources to contact any relevant individuals required in the investigation.</p> <p>6.2 Within five (5) working days of being notified of the investigation by the Impartial Third Party, the complainant and/or the respondent may show cause why a person should not serve as an external investigator. In such cases, the Impartial Third Party will immediately appoint a substitute external investigator.</p> <p>6.3 The appointed external investigator or a substitute external investigator, as the case may be, will review the formal complaint and investigate in accordance with the guiding principles of this Policy.</p>
<p>STEP 7 Preliminary Report</p>	<p>7.1 Within sixty (60) working days of being appointed, the external investigator shall provide a preliminary report to the complainant and the respondent.</p> <p>7.2 Within ten (10) working days of receiving the preliminary report, the complainant and the respondent may each make a written submission to the external investigator.</p>

STEPS	PROCEDURE
<p>STEP 8A Final Report – Respondents other than senators</p>	<p>8A.1 Within five (5) working days of receiving written submissions on the preliminary report, the external investigator, through the Impartial Third Party, will submit a final written report to the Decision-Making Authority, as well as to the complainant and the respondent. The final written report must include the external investigator’s determination on whether each allegation is founded or unfounded. An allegation is founded if the investigator concludes that the alleged conduct occurred and that the conduct constituted harassment, violence or abuse of authority within the meaning of this Policy.</p> <p>8A.2 Within fifteen (15) working days of receipt of the external investigator’s final written report, the complainant and the respondent may each make final written submissions to the Decision-Making Authority. The Decision-Making Authority will provide a copy of the respondent’s final written submissions to the complainant and a copy of the complainant’s final written submissions to the respondent.</p>
<p>STEP 8B Final Report — senator respondent</p>	<p>8B.1 Within five (5) working days of receiving written submissions on the preliminary report, the external investigator, through the Impartial Third Party, will submit a final written report to the Senate Ethics Officer, as well as to the complainant and the respondent. The final written report must include the external investigator’s determination as to whether each allegation is founded or unfounded. An allegation is founded if the investigator concludes that the alleged conduct occurred and that the conduct constituted harassment, violence or abuse of authority within the meaning of this Policy.</p> <p>8B.2 Within fifteen (15) working days of receipt of the external investigator’s final written report, the complainant and the respondent may each make final written submissions to the Senate Ethics Officer, who will provide a copy of the respondent’s final written submissions to the complainant and a copy of the complainant’s final written submissions to the respondent.</p> <p>8B.3 Within five (5) working days, the Senate Ethics Officer will deliver the external investigator’s final written report — along with any final written submissions from the complainant and respondent — confidentially to the Standing Committee on Ethics and Conflict of Interest for Senators. If any allegation is founded, the Senate Ethics Officer will also provide that Committee with recommendations as to appropriate remedial, corrective or disciplinary measures.</p>

STEPS	PROCEDURE
<p>STEP 9A Decision — Respondents other than senators</p>	<p>9A.1 Within fifteen (15) working days of receiving any final written submissions, or the expiry of this time period if no final submissions are received, the Decision-Making Authority will decide whether to accept or reject the investigator’s determinations, in whole or in part.</p> <p>9A.2 The Decision-Making Authority determines any remedial, corrective or disciplinary measures to impose on the respondent in respect of any founded allegation that it has accepted, in whole or in part. The Decision-Making Authority may consult the Head of Human Resources for advice on remedial, corrective or disciplinary measures.</p> <p>9A.3 The Decision-Making Authority will inform the complainant and the respondent, as well as the applicable Notified Authority, of its decisions regarding the investigator’s determinations. The Decision-Making Authority will also inform the respondent and the Notified Authority of the remedial, corrective or disciplinary measures to be imposed. Remedial, corrective or disciplinary measures remain confidential and are not shared with the complainant.</p> <p>9A.4 For greater certainty, no remedial, corrective or disciplinary measures may be imposed until after the conclusion of any appeal.</p>
<p>STEP 9B Decision — senator respondent</p>	<p>9B.1 As the Decision-Making Authority for complaints against senators, the Standing Committee on Ethics and Conflict of Interest for Senators (CONF) will proceed without delay to the consideration of the final written report of the external investigator to determine whether to accept or reject the investigator’s determinations, in whole or in part.</p> <p>9B.2 CONF will inform the complainant and the respondent, as well as the applicable Notified Authority, of its decisions regarding the investigator’s determinations.</p> <p>9B.3 In respect of any founded allegation that it has accepted, in whole or in part, CONF shall consider the recommendations of the SEO and may either recommend disciplinary measures (e.g. suspension, expulsion) to the Senate or refer the matter confidentially to the subcommittee of CIBA designated for the purposes of this Policy for the consideration and imposition of remedial or corrective measures. For greater certainty, CONF or the subcommittee may consider the Senate Ethics Officer’s recommendations or consult with Head of Human Resources for advice on remedial, corrective or disciplinary measures.</p> <p>9B.4 For greater certainty, no remedial, corrective or disciplinary measures may be imposed until after the conclusion of any appeal.</p>

STEPS	PROCEDURE
<p>STEP 10 Appeal</p>	<p>10.1 Within ten (10) working days of being informed of the Decision-Making Authority’s decision to accept or reject the determinations of the report, either the complainant or the respondent may appeal, in writing, to the applicable Appeal Body to express dissatisfaction with the way the complaint was administered, disagreement with the findings of the investigation report or any objections to the decision.</p> <p>No appeal may be made in respect of a remedial, corrective or disciplinary measure.</p> <p>10.2 All complaint-related materials received by the Decision-Making Authority or Appeal Authority must be returned to the Impartial Third Party within:</p> <ul style="list-style-type: none"> a. ten (10) working days following the Decision-Making Authority’s decision if there is no appeal; or b. five (5) working days after the conclusion of any appeal.

1.8.2 Timelines

In accordance with the guiding principle that formal complaints under this Policy are to be addressed in a timely manner, the deadlines or time limits established in the Formal Complaint Process are to be respected, except in instances in which a delay or different timeline is agreed to by the parties or, in the opinion of the Decision-Making Authority, there are extenuating circumstances. To the extent that parliamentary business and the sitting calendar allow, actions to be undertaken by a committee, subcommittee or the Senate in relation to this Policy are expected to be undertaken within the deadlines indicated herein; however, for greater certainty, these deadlines are not binding in respect of the work of a committee, subcommittee or the Senate.

For greater certainty, a working day means a day on which the Senate Administration is open for business, regardless of whether the Senate has a sitting on that day.

1.8.3 New Allegations

If, during an investigation, the external investigator is presented with new allegations of harassment, violence or abuse of authority in the workplace, the external investigator will inform and consult with the Impartial Third Party to determine whether:

- a) the new allegation(s) fall(s) within the existing investigation mandate;
- b) the mandate needs to be modified to address the new allegation(s); or
- c) the new allegation(s) should be addressed separately.

1.8.4 Cooperation

Every person to whom this Policy applies has an obligation to cooperate fully with any investigation. Should a party not cooperate or make themselves available to the external investigator as requested, the latter will inform the Decision-Making Authority for direction to resolve the issue. If at an impasse, the Impartial Third Party will refer the matter to the Decision-Making Authority for direction.

1.8.5 Access to a support person

The complainant, respondent or witness may each be accompanied by a support person of their choice in any process under this Policy, provided that the support person was not a witness to the conduct at issue. It is a condition of the support person's presence that they keep all matters under this Policy confidential. If necessary, a non-disclosure agreement may be required as a condition of participation.

1.8.6 Recusal

Every complainant, respondent or witness who is part of the Decision-Making Authority, Notified Authority, or Appeal Authority considering the complaint, must recuse themselves from any consideration or decision-making in respect of the matter by that authority. If a Decision-Making Authority is an individual who must recuse themselves, their immediate supervisor or supervisory authority (as the case may be) is to act in their place as the Decision-Making Authority.

1.9 Authorities

The table that follows identifies the Decision-Making Authority, the Notified Authority and the Appeal Authority based on each type of respondent.

RESPONDENT	DECISION-MAKING AUTHORITY	NOTIFIED AUTHORITY	APPEAL AUTHORITY
Senator	<p>Standing Committee on Ethics and Conflict of Interest for Senators (in relation to disciplinary measures)</p> <p>Subcommittee of CIBA designated for the purposes of this Policy (in relation to remedial or corrective measures)</p>	The leader (or their designate) of the respondent senator's recognized party or recognized parliamentary group. There is no notified authority if the respondent senator is unaffiliated.	The Senate
Senators' Staff Member	Steering Committee of CIBA	The senator to whom the respondent employee reports; however, if the senator is the complainant, the leader (or their designate) of the respondent senator's recognized party or recognized parliamentary	CIBA

RESPONDENT	DECISION-MAKING AUTHORITY	NOTIFIED AUTHORITY	APPEAL AUTHORITY
		group is notified (if one exists).	
Executive Committee Member	Steering Committee of CIBA	Steering Committee of CIBA	CIBA
Senate Administration Employee	The director (or equivalent) responsible for management or supervision of the employee	Head of Human Resources	Executive Committee

2.0 CONSEQUENCES FOR SENATE EMPLOYEES

If an employee of the Senate is found to be in breach of this Policy, the Decision-Making Authority will impose remedial, corrective or disciplinary measures on the employee, as appropriate. The appropriate course of action will be case-specific; the Head of Human Resources may be consulted for advice.

2.1 Remedial Measures

Remedial measures acknowledge that conduct constitutes harassment, violence or abuse of authority in the workplace and seek to make a complainant whole. Examples include:

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

2.2 Corrective Measures

Corrective measures are intended to help improve or correct an individual’s conduct in relation to behaviour that was found to constitute harassment, violence or abuse of authority in the workplace. Examples include:

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

2.3 Disciplinary Measures

Disciplinary measures are intended to impose a penalty to address the respondent’s conduct that was found to constitute harassment, violence or abuse of authority in the workplace. Depending on the circumstances, they may seek to denunciate or deter behaviour, or both. Examples include:

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

3.0 CONSEQUENCES FOR SENATORS

Under the process provided in the Policy, the Senate Ethics Officer will provide the external investigator’s report to the Standing Committee on Ethics and Conflict of Interest for Senators (CONF) in respect of a formal complaint in which a senator is a respondent. The committee will first consider whether it accepts or rejects the investigator’s determination. In respect of any founded allegation that it accepts, the committee may either recommend disciplinary measures for consideration by the Senate (e.g., suspension or expulsion) or refer the matter to the subcommittee of CIBA designated for the purpose of this Policy to impose remedial or corrective measures.

As CONF may only report to the Senate in respect of proposed disciplinary measures, it may wait to see if any imposed remedial or corrective measures are respected by the respondent senator. In respect of non-compliance with remedial or corrective measures, CONF may further recommend disciplinary measures to the Senate. Disciplinary measures such as suspension or expulsion may only be imposed by the Senate.

4.0 ROLES AND RESPONSIBILITIES

ROLES	RESPONSIBILITIES
Complainant and Respondent	<ul style="list-style-type: none"> • respect the confidentiality of the complaint and the complaint resolution process • cooperate with the Impartial Third Party or external investigator, as the case may be • participate (if applicable) in alternative dispute resolution
The Senate	<ul style="list-style-type: none"> • approves this Policy • approves substantive amendments to this Policy • determines any disciplinary measures to impose on senators • acts as an Appeal Authority in certain contexts

ROLES	RESPONSIBILITIES
Standing Committee on Internal Economy, Budgets and Administration (CIBA)	<ul style="list-style-type: none"> • fosters a work environment free of harassment, violence and abuse of authority • promotes the Policy to senators • acts as an Appeal Authority in certain contexts • proposes substantive amendments for the consideration of the Senate • may make minor (non-substantive) amendments to this Policy
Senate Ethics Officer	<ul style="list-style-type: none"> • receives a final written investigation report and final submissions for complaints where a senator is the respondent • recommends remedial, corrective, or disciplinary measures in respect of founded allegations against a senator
Steering Committee of CIBA	<ul style="list-style-type: none"> • approves the appointment and mandate of the Impartial Third Party • acts as a Decision-Making Authority or Notified Authority in certain contexts
Standing Committee on Ethics and Conflict of Interest for Senators (CONF)	<ul style="list-style-type: none"> • acts as a Decision-Making Authority in certain contexts • recommends to the Senate any disciplinary measures to impose on senators • refers the consideration of remedial or corrective measures to impose on senators to a subcommittee of CIBA designated for the purposes of this Policy
The subcommittee of CIBA designated for the purposes of this Policy	<ul style="list-style-type: none"> • oversees the Impartial Third Party to ensure it effectively fulfills its mandate • reviews this Policy and makes recommendations to CIBA for the Senate in specific context • acts as a Decision-Making Authority in certain contexts • determines remedial or correctives measures to impose on senators
Executive Committee	<ul style="list-style-type: none"> • acts as an Appeal Authority in certain contexts • promotes the Policy to the Senate Administration • champions a respectful workplace • ensures adequate resources for the effective implementation of this Policy
Leaders – Senators, Managers and Employees with Supervisory Functions	<ul style="list-style-type: none"> • lead by example and act respectfully in dealings with employees and other persons • support and apply this Policy • act promptly to resolve or to bring to the attention of the appropriate authority any behaviour incompatible with this Policy, including allegations of reprisal, of which they are aware • act as a Notified Authority in certain contexts and implement (as applicable) remedial, corrective or disciplinary measures as determined by Decision-Making Authority • act as a Decision-Making Authority in certain contexts

ROLES	RESPONSIBILITIES
Senators, Senate Employees, Independent Contractors, Students, Interns and Volunteers	<ul style="list-style-type: none"> • act at all times in a respectful manner in dealings with others and ensure that their own conduct contributes to a culture of respect • are familiar with this Policy • if possible, inform individuals whose conduct is offensive that their behaviour is objectionable and unwelcome and ask them to stop • make every effort to resolve any situation in which they may feel uncomfortable or offended as soon as it arises and before it escalates • bring to the attention of a trusted person in authority or the Human Resources Directorate or to the Impartial Third Party any behaviour incompatible with this Policy to which they are subjected or of which they become aware • adhere to confidentiality requirements including by avoiding any informal discussion of complaints of which they have knowledge • cooperate in the resolution or investigation of complaints
Head of Human Resources	<ul style="list-style-type: none"> • acts as a Notified Authority in certain contexts • provides advice to a Decision-Making Authority regarding appropriate remedial, corrective or disciplinary measures, as needed • Confidentially provides contact information for employees, former employees or Senators upon request by the Impartial Third Party or External Investigator • promotes harassment prevention • implements the mandatory anti-harassment training programs
Leader (or their designate) of a recognized party or recognized parliamentary group	<ul style="list-style-type: none"> • act as a Notified Authority in certain contexts
Bystanders and Witnesses	<ul style="list-style-type: none"> • if comfortable, address inappropriate conduct with any person who engages in it • offer support to an individual who is being harassed and remind them of their rights under this Policy • may communicate concerns or report the problematic behaviour themselves to a person in authority they trust, the Human Resources Directorate or to the Impartial Third Party
Witnesses Involved in the Resolution of a Complaint	<ul style="list-style-type: none"> • respect the confidentiality of the complaint and the complaint resolution process • cooperate with the Impartial Third Party and external investigator
Support Persons	<ul style="list-style-type: none"> • accompany and assist a complainant, respondent or witness in matters related to this Policy • respect the confidentiality of the complaint and the complaint resolution process

5.0 ADMINISTRATION

5.1 Enquiries

For further information about the Policy, contact the Head of Human Resources.

5.2 Review Schedule

The Policy is subject to regular three-year reviews, the first of which must occur within three years following its adoption or earlier at the discretion of the subcommittee of CIBA designated for the purposes of this Policy.

5.3 Monitoring and Reporting

To better assess the nature and extent of harassment, violence and abuse of authority in the Senate workplace and to inform Policy review, the Impartial Third Party will assist in monitoring the workplace by collecting and providing regular relevant statistical data regarding the complaints that it handles to the Head of Human Resources for the subcommittee of CIBA designated for the purposes of this Policy. This report will include information about the number of complaints received, the nature of the parties involved (senator and employee, manager and employee, etc.), the type(s) of harassment alleged and the manner in which the incidents were resolved, as well as the time elapsed from reporting to resolution. Based on its observations, the Impartial Third Party may also make recommendations for improvement. No information will be provided if it could disclose confidential or private information regarding a complainant, respondent or any other individual involved.

The Impartial Third Party may also suggest — and managers may ask for — a targeted workplace assessment to be conducted in a specific area on an as-needed basis.

5.4 Repeal/Replacement

This Policy repeals and replaces the 2009 *Senate Policy on the Prevention and Resolution of Harassment in the Workplace*.

6.0 REFERENCES

Canada Labour Code

Canadian Human Rights Act

Code of Conduct of the Senate Administration

Collective agreements

Ethics and Conflict of Interest Code for Senators

Parliamentary Employment and Staff Relations Act

Statement of Values and Ethics of the Senate Administration

Terms and Conditions of Unrepresented Employees within the Senate Administration

7.0 GLOSSARY

Alternate dispute resolution methods: Involves the use of problem-solving techniques such as facilitation and mediation to address concerns without the use of formal complaint resolution processes such as investigations.

Appeal Authority: An entity that considers appeals under this Policy.

Bystander: A person observing conduct that is inappropriate or incompatible with this Policy.

Complainant: A person to whom this Policy applies and who makes a formal complaint.

Decision-Making Authority: Entity that receives the final written report of the external investigator and final written submissions to decide whether to accept or reject the investigator's determination. If a person other than a senator is the respondent, the Decision-Making Authority will determine and impose any remedial, corrective or disciplinary measures. If a senator is a respondent to a complaint, the Standing Senate Committee on Ethics and Conflict of Interest for Senators – as Decision-Making Authority – will first decide whether to accept or reject the investigator's determinations. It may then recommend disciplinary measures for the Senate to impose or refer the matter to the subcommittee of CIBA designated for the purposes of this Policy for the consideration and imposition of remedial or corrective measures.

Due process: A term based on principles of natural justice to ensure that every party to a matter has the right to a fair process. Due process is fulfilled by ensuring that the respondent knows there is a complaint; by providing the respondent with the opportunity to respond to the allegations through an impartial party; and by guaranteeing that all parties have the right to an unbiased investigation as well as fair and appropriate outcomes based on the facts.

Facilitation: An alternate dispute resolution method in which a third party is involved in some way to help the parties address their concerns, often by managing their discussions.

Formal Complaint: An oral or written statement made to the Impartial Third Party by a complainant detailing allegations against a respondent in respect of conduct that may constitute harassment, violence or abuse of authority.

Hostile Work Environment: Occurs when the conduct of an individual or a group of individuals unreasonably interferes with one's work performance or creates an intimidating, hostile, or offensive work environment – whether or not the behaviour is directed at the person (also referred to as a toxic work environment).

Impartial Third Party: Independent entity contracted by the Senate for the purposes of receiving complaints, assessing whether the Policy applies to them and their admissibility, and facilitating the formal complaint process. The Impartial Third Party has specialized expertise and experience in receiving and resolving harassment complaints.

Mediation: An alternative dispute resolution method whereby a trained, neutral third party acceptable to both the complainant and the 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 a successful mediation outlining the agreement reached between the parties.

Notified Authority: Person or entity informed that an investigation is underway and advised of the Decision-Making Authority's decision so that they can assist in its implementation.

Power Imbalance: The difference in the level of influence or authority between two individuals. A power imbalance can exist, for example, in an employment relationship in which a manager has more authority and influence than an employee within the broader organization.

Reprisal: Any act to the detriment of an individual for having reported, in good faith, a behaviour that is incompatible with this Policy, for having filed a formal complaint or for participating in an investigation or any alternative resolution method under this Policy.

Respondent: A person against whom a formal complaint is made under this Policy.

Support person: Any friend, colleague, manager or union representative, as chosen by the complainant or the respondent, to accompany that complainant or respondent for support during any process under this Policy pertaining to the resolution of a complaint.

Witness: Any individual who has first-hand knowledge of any fact or evidence related to a complaint.

Workplace: Any place where a person covered by this Policy is engaged in work for the Senate, including all permanent areas of the Senate and every place under the control of the Senate in which it is temporarily conducting its business, and any location away from the Senate workplace where work-related activities are conducted, including conferences, on social media, and at social gatherings.