

# Conflict and Harassment Briefing

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# Topics Of Discussion

- Definitions
- CF Policy
- Recognizing Discrimination
- Role of the HA and WRA
- Options for Resolution
- Roles and Responsibilities of Members and Employees

*Ref:*

*a. DAOD 5012-0*

*b. Harassment Prevention and Resolution Guidelines*

# Definition

Harassment is any improper conduct by an individual that is directed at and offensive to another person or persons in the workplace, including at any event or any location related to work and that the individual knew or ought reasonably to have known would cause offence or harm.

It comprises any objectionable act(s), comment(s) or display(s) that demean, belittle or cause personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the *Canadian Human Rights Act*.

# Key Components of DND's Definition of Harassment

The following **six criteria**, as set out in the definition of harassment in section 2 of this DAOD, must be met for harassment to have occurred:

1. Improper conduct by an individual;
2. The individual knew or ought reasonably to have known that the conduct would cause offence or harm;
3. if the harassment does not relate to a prohibited ground of discrimination under the *Canadian Human Rights Act*, the conduct must have been directed at the complainant;
4. the conduct must have been offensive to the complainant;
5. **the conduct may consist of a series of incidents, or one severe incident which had a lasting impact on that complainant;** and
6. the conduct must have occurred in the workplace.

# CF Policy

- DND and the CF are committed to providing a respectful workplace by promoting the prevention and prompt resolution of harassment.
- All members and employees have the right to be treated fairly, respectfully and with dignity in a workplace free of harassment, and they have the responsibility to treat others in the same manner.

# CF and DND Objectives

Provide a harassment free workplace and supportive work environment:

- Certain forms of harassment are against the law.
- It erodes mutual confidence and respect for individuals.
- Operational effectiveness, productivity, team cohesion and morale are placed at risk.

# Canadian Human Rights Act

Under the Canadian Human Rights Act, it is prohibited to discriminate against employees based on:

1. Race
2. National or ethnic origin
3. Colour
4. Religion
5. Age
6. Sex (including pregnancy and children)
7. Marital status
8. Family status
9. Mental or physical disability (including previous drug or alcohol dependence)
10. Pardoned conviction
11. Sexual orientation
12. Gender identity or expression
13. Genetic characteristics

# Abuse of Authority

- Definition: Where harassment involves misuse of the power or authority inherent in an individual's position.
- Taking advantage of a position of authority to exploit, compromise or mistreat others.
- Improper use of power or authority to endanger a person's job or threaten a person's economic livelihood, or to interfere with or influence the career of an individual
- Comprises intimidation, threats, blackmail and coercion. May include behaviour such as shouting, belittling a person's work, favouritism, unjustifiably withholding information that a person needs to perform their work and asking subordinates to take on personal errands.



# Proper use of authority

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

# Sexual Harassment

- Someone is bothering you by saying/doing unwanted/unwelcome things of a sexual or gender-related nature. It does not have to be merely sexual in nature; it also means someone is bothering you because your gender
- Unwelcome social invitations with sexual overtones and sexual advances;
- Making sexually suggestive remarks/requests;
- Flirting with subordinates;
- Offensive jokes /jokes remarks about men/women
- Displaying sexually offensive pictures
- Inappropriate questions/suggestions/remarks about a person's sex life
- Staring at/making unwelcome comments about a person's body
- Physical contact such as touching or pinching may also be considered physical or sexual assault.

# Other Workplace Issues

- The use of profanity, swearing and telling of off-coloured jokes can become common in certain work areas. Although profanity is not forbidden in the policy, it is clear that harassment can result from being subjected to words, comments, and language that offend, demean, belittle and embarrass based on any of the 11 prohibited grounds of discrimination covered by the CHRA.
- Psychological Harassment/Bullying
- Social Networking Website Commentary/Blogging

# Harassment Advisors

- Are DND employees and CF members who have been appointed by the Responsible Officer (RO) to provide information and advice to the RO concerning harassment policy and procedures and the role and responsibilities of the RO in preventing and resolving harassment situations.

# Role of the WRA

- The role of the Workplace Relations Advisor (WRA) is to support the Complainant or Respondent by:
- providing advice and knowledge of the DND/CF Harassment Prevention and Resolution Guidelines;
- helping evaluate resolution options;
- helping prepare statements or material for presentation; and
- accompanying the Complainant or Respondent to interviews associated with the resolution process in progress.

# Supervisor Intervention (ADR)

- Assisting parties in conflict with the identification of the issues and problem-solving approaches
- Assisting with the development of a resolution plan
- Initiating team development activities

# Mediation (ADR)

- The intervention into a dispute or negotiation by an acceptable, impartial and neutral third party who has no decision making power, to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute.

# Harassment Investigation

- Administrative investigation which examines the circumstances surrounding a situation, event, incident, occurrence, issue, matter, or complaint conducted by an Investigator or a team of Investigators to determine all relevant factors and circumstances that will assist the RO in making a reasonable decision.



# Roles and Responsibilities of Members and Employees

- All DND employees and CF members have a responsibility to contribute to a harassment-free workplace. This includes:
  - a. refraining from conduct that could constitute harassment;
  - b. correcting or reporting, as appropriate to the responsibilities of their position and rank, any possible harassment that they witness;
  - c. taking action when they believe they are being subjected to harassment; and
  - d. encouraging and supporting others to take action in similar circumstances.

# RMC – List of HAs/WRAs

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