



**National Gallery
of Canada**

**Musée des beaux-arts
du Canada**

***HARASSMENT AND VIOLENCE PREVENTION
POLICY***

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1. PURPOSE

The purpose of this Policy is to outline the position of the National Gallery of Canada (NGC or the Gallery) on workplace harassment and workplace violence in order to provide employees with a respectful, safe, and healthy workplace free of harassment and violence.

This Policy has been amended to respond to the changes introduced to the legal framework set out in the *Canada Labour Code* and related regulations, for dealing with harassment and violence in federally regulated workplaces. The revised legal framework that comes into effect on January 1, 2021 is primarily addressed within the context of occupational health and safety and aims to strengthen the federal anti-harassment and violence legislation.

2. APPLICATION

This Policy applies to all employees as defined in section 3 of this Policy and persons under contract, and covers all situations involving harassment, whether personal, sexual or related to abuse of authority, and all instances of workplace violence.

The scope of this policy covers employee behavior in the workplace or at any location or any event related to work, including while:

- a) on travel status,
- b) at a conference where the attendance is sponsored by the employer,
- c) at employer-sponsored training activities/information sessions, and
- d) at employer-sponsored events, including social events.

3. DEFINITIONS

Abuse of power or authority - a form of harassment that occurs when an individual improperly uses the power and authority inherent in their position to endanger an employee's job, undermine the performance of that job, threaten the economic livelihood of the employee and members of the public or in any way interfere with, or influence the career of, the employee. It includes verbal abuse, intimidation, threats, blackmail or coercion.

Abuse of process – making an undue or frivolous complaint that is filed in a bad faith. Although the characterization of a frivolous, vexatious or malicious complaint may be subjective, anyone making use of this Policy or the complaint process for purposes other than its stated objectives may be subject to disciplinary action, up to and including discharge. Complaints that cannot be proven to be well-founded are not necessarily considered abuse of process.

Bullying – repeated and persistent acts or verbal comments that could psychologically hurt or isolate a person in the workplace and create a hostile work environment. Bullying can involve verbal bullying, social bullying, cyber bullying, and physical bullying through negative physical contact. Bullying usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

Complaint - a formal allegation of harassment or violence submitted in writing (formally called a notice of an occurrence) to the Designated Recipient.

Delegated Union Representative - the President or the Chief Steward (PSAC) or the Chair or Chief, Steward (PIPSC) is the Delegated Union Representative to assist with the complaint, should the complaint involve a member of the respective Unions (as applicable) and should the member wish to have union involvement and/or representation.

Designated Recipient – the Chief, Human Resources or Director, Human Resources is the Designated Recipient to receive complaints (a notice of an occurrence). The Chief, Protection Services is the Designated Recipient for Human Resources employees who wish to file a complaint under this Policy vis-à-vis another Human Resources employee.

Employee – all paid employees, students, interns, volunteers and members of the Board of Trustees.

Harassment – any improper conduct by an individual that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or repeated embarrassment, and any act of intimidation or threat. This includes but is not limited to the behaviour described in Appendix A to this Policy. It includes harassment within the meaning of the Canadian Human Rights Act, namely, harassment based on the following prohibited grounds of discrimination: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted.

Informal resolution process - a confidential and voluntary collaborative problem-solving approach such as face to face conversation, conflict coaching, facilitated discussion or mediation that has the advantage of addressing the parties' needs, concerns and mutual interests.

Informal review- a preliminary revision process in which the designated recipient decides whether a formal harassment and/or violence investigation is required.

Investigation- a formal inquiry conducted by an investigator into the complaint.

Investigator – a person specialized in the area of harassment and/or violence resolution in the workplace and selected jointly by Management, Principal Party, Responding Party, and Union (as applicable).

Mediation – a voluntary process that is used to rectify conflict by having a neutral person help the disputing parties arrive at a mutually acceptable solution. The Gallery will be responsible for the costs related to this service.

Mediator – a person who attempts to assist people involved in a conflict in coming to an agreement.

Occurrence - an occurrence of harassment and/or violence in the workplace

Policy Health and Safety Committee – an internal committee established for the purpose of addressing health and safety matters that apply to the work, undertakings or business of the Gallery. Under the Work Place Harassment and Violence Prevention Regulations, the Gallery's Policy Health and Safety Committee is the Employer's Applicable Partner in a work place harassment and violence prevention.

Principal Party – an employee or employer who is the object of an occurrence of harassment or violence in the workplace.

Responding Party – the person who is alleged to have been responsible for an occurrence of harassment or violence in the workplace.

Sexual harassment – any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or in a continuous series of incidents that might reasonably be expected to cause offence or humiliation to any employee and/or member of the public or that the employee might reasonably perceive as placing a condition of a sexual nature on employment or on an opportunity for training or promotion.

Threat - a communicated intent to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm.

Witness – a person who witnesses an occurrence of harassment or violence in the workplace or is informed of such an occurrence by the Principal Party or the Responding Party.

Workplace Violence - any action, conduct, threat or gesture of a person towards another person in their work place that can reasonably be expected to cause harm, injury, or illness to that employee. Factors that contribute to workplace violence include, but are not limited to, bullying, teasing, and abusive and other aggressive behaviour.

4. POLICY STATEMENT

Every employee has a right to a workplace free of harassment and violence. The National Gallery of Canada is committed to maintaining a work environment that is free from harassment, and to preventing and protecting employees against discrimination and violence in the workplace. It is the Gallery's policy that:

- a) Every employee and member of the public is to be treated fairly, without discrimination or harassment.
- b) Behaviour that denies individuals their dignity and respect or that is offensive, embarrassing or humiliating will not be tolerated.
- c) Violent behaviour directed toward an employee or member of the public is unacceptable and will not be tolerated.
- d) The use of authority or position to humiliate, coerce or harass is unacceptable and will not be tolerated.
- e) Harassment or violent behaviour directed toward an employee or member of the public by an employee constitutes a serious infraction and will be subject to disciplinary measures up to and including discharge.
- f) Disciplinary or corrective measures may also be taken against:
 - i. any immediate supervisor who is aware of a harassment or violence situation and who fails to take corrective action;
 - ii. anyone who interferes with the resolution of a complaint by threats, intimidation or retaliation; or
 - iii. anyone who files a complaint that is frivolous or in bad faith.

All employees will be informed of this Policy, and a copy of this Policy will be part of the onboarding program.

The complaint process, including the investigation, must be completed within 12 months from the date of filing of the written complaint (formally called a notice of an occurrence), unless extenuating circumstances exist.

Participation in the complaint process will not prevent a Principal Party from filing a grievance with their union locals or Human Rights Commission (when warranted) on the same issue at any time.

5. AUTHORITY

The ultimate responsibility and authority for implementing this Policy, and fostering a work environment free of harassment and violence, rests with the Gallery's Director and CEO.

This Policy does not restrict the authority of those with managerial responsibilities to reasonably exercise their oversight, in such areas as performance review, performance improvement plans, employee relations, and implementation of disciplinary actions.

6. ROLES, RESPONSIBILITIES AND EXPECTATIONS

6.1 Employees are expected to:

- a) act towards other individuals professionally and respectfully;
- b) maintain a safe work environment;
- c) not engage in or ignore behaviour that might be considered or lead to workplace harassment or violence;
- d) where they are comfortable doing so, communicate to the offending party, as soon as possible, directly or through an immediate supervisor, their disapproval or unease;
- e) get help or guidance from the immediate supervisor or the Director/Chief, Human Resources, or a person designated by the Union (if applicable);
- f) familiarize themselves with this Policy;
- g) receive training on the prevention of harassment and workplace violence, as provided by the Gallery;
- h) report any emergency incidents of workplace violence to Protection Services;
- i) report any non-emergency incidents of workplace violence to either their immediate supervisor, Chief, Protection Services, union representative, Director/Chief, Human Resources;
- j) receive prompt action if they report an incident of harassment or violence to their immediate supervisor or if necessary, to Director/Chief, Human Resources;
- k) be treated without fear of embarrassment or reprisal when dealing with a harassment or violence situation or when involved in the resolution of a complaint; and
- l) participate in a problem resolution process before proceeding with the formal complaint process.

6.2 Principal Parties, Responding Parties and Witnesses are expected to:

- a) provide information as required in the steps noted in section 8 below under "Formal Complaint Process";
- b) cooperate in the investigation process if and when called upon to do so;
- c) limit the discussion of the complaint to those who need to know to ensure utmost confidentiality and protection of personal information; and
- d) review their statement as recorded by the investigator to confirm its accuracy prior to the final report being submitted.

6.3 Principal Parties and Responding Parties:

- a) will receive information related to the complaint in writing, including allegations;
- b) may choose to be accompanied by a person of their choice during any step of the process; this person should not be a party to the process;
- c) are expected to review a copy of the draft report findings;
- d) will be informed in writing of the outcome of the investigation and whether corrective or disciplinary measures will be taken as a result of their complaint;
- e) if the complaint is found to be frivolous or in bad faith, will be informed in writing whether corrective or disciplinary measures will be taken against them as a result of their complaint;
- f) can expect to be separated hierarchically, physically, or both, if necessary; and
- g) can expect that a Responding Party will receive legal assistance from the NGC if a harassment complaint, filed in accordance with this Policy and determined to be unfounded, is pursued in the courts or at a tribunal.

6.4 Immediate Supervisors are expected to:

- a) act towards other individuals professionally and respectfully;
- b) be informed of the Harassment and Violence Prevention Policy and Program and lead by example;
- c) have access to learning opportunities on the prevention of harassment and violence and resolution of conflicts;
- d) ensure that their subordinates are aware of the Policy and are reminded of its content and updates to the content as deemed necessary;
- e) intervene promptly when they become aware of conduct in violation of this Policy and involve required parties in resolving the problem;

- f) excuse themselves of any complaint resolution process where they are or may reasonably be seen to have a conflict of interest;
- g) formally address any alleged harassment or violence of which they are aware, whether or not a complaint has been made;
- h) limit the discussion of the complaint to those who need to know to ensure utmost confidentiality and advise others accordingly;
- i) consult Director/Chief, Human Resources to determine the need to separate the Principal Party and Responding Party, hierarchically, physically, or both, for the duration of the complaint process, if deemed necessary;
- j) address the needs of the parties concerned and the working unit following a complaint with the assistance of a specialist as needed, in order to establish or re-establish harmonious working relationships;
- k) cooperate fully during the complaint process; and
- l) implement corrective actions when required.

6.5 Director/Chief, Human Resources and Delegated Union Representatives are expected to:

- a) be knowledgeable and trained to act in complaint and investigative procedures in order to ensure speedy and effective problem resolution of any issue arising from the alleged violation of this Policy;
- b) be impartial in any complaint process in which they are involved;
- c) excuse themselves from any complaint process where they are or may reasonably be seen to be in a conflict of interest position;
- d) have access to learning opportunities related to their role and responsibilities;
- e) apply the established steps in the complaint process;
- f) limit the discussion of the complaint to those who need to know to ensure utmost confidentiality and advise others accordingly;
- g) ensure that both parties have access to support and advice during the complaint process;
- h) separate the Principal Party and Responding Party, hierarchically, physically, or both, for the duration of the complaint process, if deemed necessary;
- i) engage services of a qualified investigator(s), if applicable;
- j) assign a mandate to the investigator(s);
- k) ensure that corrective or disciplinary measures or both are taken where harassment or violence has been found to have occurred;
- l) ensure that corrective or disciplinary measures or both are taken where a complaint has been found to be frivolous or made in bad faith;

- m) ensure that no documents relating to the complaint are placed in the employee file of either party, other than a disciplinary letter in the file of the employee who is subject to a disciplinary measure; and
- n) ensure that parties are provided with the information to which they are entitled.

6.6 As Employer, the Gallery is expected to:

- a) provide a safe and healthy workplace, free of violence and harassment;
- b) dedicate sufficient attention, resources and time to address risk factors that contribute to workplace violence and harassment, and to prevent and protect against them;
- c) respond promptly to all reports of harassment or violence, and not condone or permit any behaviour contrary to this Policy;
- d) take all reasonable and practical measures to minimize or eliminate risks identified through the workplace assessment process;
- e) ensure that all known incidents of workplace harassment or violence are investigated and to the extent appropriate, consult with Chief, Protection Services, Director/Chief, Human Resources, the Policy Health and Safety Committee, and Employee Assistance;
- f) take steps to protect employees who act in good faith, who report incidents of harassment or violence, from reprisal or further harassment or violence;
- g) train employees in the prevention of workplace harassment and violence and inform them of their rights and obligations in this regard;
- h) communicate to employees information in the Gallery's possession about the factors contributing to workplace harassment and violence;
- i) assist employees who have been exposed to workplace harassment and/or violence; and
- j) protect the privacy of persons who are involved in the complaint and the resolution process.

6.7 The Gallery and the Policy Health and Safety Committee are expected to:

- a) carry out a workplace assessment, and review the workplace assessment, at least every three years;
- b) review and, if necessary, update the workplace assessment due to one or more of the following reasons: notice of an occurrence (complaint) is provided, the occurrence is not resolved within 45 days and the Principal Party ends the resolution process; or the Responding Party is not an employee or the employer; or as needed;
- c) monitor the accuracy of the workplace assessment and, if necessary, update it to reflect a change to the information set out in the assessment, including a change to the risk factors or a change that compromises the effectiveness of the preventive measures;

- d) review and update the workplace assessment if a complaint is received and the complaint is not resolved or the Responding Party is not an employee or the Gallery; and
- e) identify the risk factors, internal and external, to the workplace that could give rise to harassment or violence in the workplace, taking into account the:
 - i. culture, conditions, activities, and organizational structure of the workplace;
 - ii. circumstances external to the workplace that could give rise to harassment and violence in the workplace;
 - iii. any reports, records, and data that are related to harassment and violence in the workplace;
 - iv. physical design of the workplace; and
 - v. measures that are in place to protect psychological health and safety in the workplace.

6.8 Protection Services are required to:

- a) respond and take action to mitigate any violent or potentially violent situation;
- b) conduct an initial review into any reports of violence or potential violence and report their findings to the Director of the department, the Director/Chief, Human Resources, and/or the Chief, Protection Services; and
- c) follow the relevant procedures in responding to violent and non-violent situations:
 - i. **Violent situation:** if the safety of an employee is threatened, Protection Services will send available resources to assist and call the Police as necessary. Once the situation is under control, a report will be prepared including the names of those involved, the names of any witnesses, statements collected at the time of the incident, photos and videos, if available, and a description of the actions taken to protect safety. The report will be submitted to the Director/Chief, Human Resources and the Chief, Protection Services.
 - ii. **Non-violent situation:** where there is no threat of imminent violence to an employee, Protection Services will prepare a report including the names of those involved, the names of any witnesses, statements collected at the time of the incident, photos and videos if available, and a description of the actions taken to protect safety. The report will be submitted to the Director/Chief, Human Resources and the Chief, Protection Services.

7. INFORMAL RESOLUTION PROCESS

The objective of early resolution is to rectify any situation, problem or conflict as soon as possible, in a fair and respectful manner without having to resort to the formal complaint process. Every effort should be made to rectify the problem early with open communication and in a cooperative manner.

The use of problem resolution mechanisms such as coaching, counselling and facilitation can, in many instances, rectify the issue and prevent the situation from escalating to the point where filing a complaint is necessary.

An allegation of harassment or violence is serious. If an employee believes that they have been

harassed or the victim of workplace violence, the following actions should be taken:

- a) Where the employee is comfortable doing so, and where the employee feels it is safe to do so, the employee is encouraged to make it known to that person as soon as possible, either orally or in writing, in an attempt to rectify the problem.
- b) If the problem is not rectified or if the employee does not want to speak directly with the other person, the employee should meet with their immediate supervisor, or Director/Chief, Human Resources, in an attempt to find a solution and rectify the problem.
- c) In cases of workplace violence, if the employee feels that there is an imminent threat to their health or safety, they should contact Protection Services immediately, who will assess the situation and then contact the Police where appropriate.

Management must make every effort to rectify the issue between the parties as quickly as possible, if necessary with the assistance of an external_resource person.

8. FORMAL COMPLAINT PROCESS

If an early resolution attempt is not successful or is not deemed appropriate, an employee may file a complaint with the Designated Recipient. This may be done orally or in writing. All steps should be completed without undue delay.

When dealing with complaints, the Gallery must consider the requirements of the *Official Languages Act*.

The sharing of information related to the complaint with the parties must comply with the principles of privacy and access to information legislation.

Step 1: Criteria for filing a complaint

The Principal Party or a Witness submits a complaint orally or in writing to the Designated Recipient, within one year, where possible, of the alleged incident leading to the complaint. The complaint must include the following information:

- the nature of the allegations;
- the name of the Principal Party;
- the name of the Responding Party;
- the relationship of the Responding Party to the Principal Party (e.g., supervisor, colleague);
- the date and time, the place and a detailed description of the incident(s); and, if applicable,
- the names of witnesses.

The information provided should be as precise and concise as possible.

Step 2: Screening and acknowledgement of complaint

(The Chief, Protection Services follows the same process outlined below.)

Upon receipt of the complaint, the Designated Recipient screens and acknowledges receipt of the complaint. The criteria used in the screening are that the complaint:

- Was filed within the time limit set in Step 1, unless there are extenuating circumstances; and
- Must include the information noted in Step 1.

The Designated Recipient will contact the Principal Party within seven days of receiving the complaint to inform them that their complaint was received, or that they were identified as the subject of harassment or violence by a witness, as the case may be. At this time, the Principal Party will also be informed as to how to access this Policy, of each step in the resolution process, and that they may choose to be represented during the process, either by their respective union or by another individual.

When the Principal Party is a unionized employee, the respective union president will be notified at this stage by the Designated Recipient, unless the Principal Party does not wish union involvement. Active union involvement, under this Policy, begins at Step 3.

If the above criteria are met, the Designated Recipient informs the Responding Party at the same time the Principal Party is contacted that a complaint has been received and provides them with the particulars of the complaint in writing, including the allegations. The Responding Party will also be informed as to how to access this Policy, of each step in the resolution process, and that they may choose to be represented during the process, either by their union or by another individual.

If a complaint is filed by a witness who is not anonymous, the Designated Recipient will contact the witness within seven days to confirm that the complaint was received.

If the criteria listed in Step 1 are not met, the Designated Recipient informs the Principal Party or the witness, as the case may be, in writing that the complaint cannot be accepted. If appropriate, the Designated Recipient suggests other means of resolving the issue.

Once the complaint has been acknowledged, the Designated Recipient and, as applicable, the Delegated Union Representative, review the complaint and, if necessary, seek additional information to determine if the allegations are related to harassment or workplace violence.

The complaint will be reviewed as to whether the events alleged in the complaint, if true, constitute harassment or workplace violence as described in section 3 (Definitions). If it is found that the events alleged in the complaint could be deemed harassment or workplace violence, the Designated Recipient, in consultation with the Principal Party, the Responding Party and, as applicable, the Delegated Union Representative, will determine whether to proceed with mediation or the formal investigation process.

If the events described in the complaint do not meet the definition of harassment or workplace violence as determined by the Designated Recipient, all parties will be notified immediately and informed of the appropriate redress procedure such as mediation grievance, etc.

The Gallery is committed to resolving all types of conflict and will take appropriate steps to rectify the situation. The Designated Recipient and, as applicable, the Delegated Union Representative, will review all the relevant information and decide on best course of action. They will inform the parties in writing of the outcome of their investigation and the Designated Recipient will ensure that corrective and/or disciplinary measures are taken, if warranted.

If the allegations are related to harassment or workplace violence, the Designated Recipient and, as applicable, the Delegated Union Representative will determine what efforts have been made to rectify the problem, identify immediate avenues of resolution if any, and take appropriate action. The resolution process may involve: negotiated resolution, conciliation, and investigation.

Step 3: Interim measures

If it is deemed to be in the best interests of both parties that the Principal Party and Responding Party are physically and/or hierarchically removed from one another for the period of investigation, the responsible manager, in consultation with the Director/Chief, Human Resources will implement the necessary course of action.

Step 4: Mediation or Conciliation

The parties must make every reasonable effort to resolve an incident, and those efforts must begin no later than 45 days after the complaint is received, or after the investigation has been concluded and the report provided. However, the parties may agree to mediation at any point during the complaint process. If mediation is undertaken at any time during the investigation process, the investigation is suspended. It is resumed only if mediation is unsuccessful.

The parties may attempt to resolve the complaint by conciliation if they agree to conciliation and on a person to facilitate it. However, if the complaint is being investigated, it cannot be resolved by conciliation after the investigator has provided their report.

If the parties agree to mediation or conciliation, the Designated Recipient obtains mediation or conciliation services, in consultation with the Principal Party, the Responding Party and, as applicable, the Delegated Union Representative. The Gallery will be responsible for the costs related to this service. The parties may be assisted by a representative of their choice during mediation.

Step 5: Investigation

If the Designated Recipient decides in the review to proceed with a formal investigation and if mediation or conciliation has either failed or been ruled out, the case will be investigated to determine whether the complaint is founded, unfounded or an abuse of process occurred.

The investigator will be agreed to by the Principal Party, the Responding Party and, as applicable, the Delegated Union Representative. The party proposing an investigator must provide the other parties with the investigator's name and a description of their knowledge, training and experience. The investigator will not be an employee of the Gallery. The investigator will be trained in investigative techniques, have knowledge, training and experience relevant to harassment and violence in the workplace, and have knowledge of the *Canada Labour Code*, the *Canadian Human Rights Act*, and any other legislation relevant to harassment and violence in the workplace. The investigator will provide the Gallery or the Designated Recipient, the Principal Party and the Responding Party with a written statement indicating that they are not in a conflict of interest in respect of the complaint.

The investigator's mandate will be established by Human Resources in consultation with the Designated Union Representative, if applicable.

Step 6: Investigation process

The investigator is responsible for:

- a) communicating with the Principal Party to ensure that allegations, circumstances and description of incidents outlined in the complaint are clear and complete;
- b) gathering, examining and recording all relevant facts from available documentation according to professional investigation standards;

- c) giving the Responding Party the opportunity to reply to the allegations;
- d) interviewing witnesses named by both the Principal Party and the Responding Party or any others the investigator deems appropriate; and
- e) preparing a written report that will include all relevant background information, facts, findings, analysis and conclusions, including those related to the circumstances that contributed to the incident, and recommendations to eliminate or minimize the risk of a similar incident:
 - i. New allegations: If during the course of the interview process, the investigator is presented with what they deem to be a new allegation of harassment or workplace violence, they will send this new information to the Designated Recipient that can recommend to the Principal Party that a new and separate harassment complaint be lodged.
 - ii. Preliminary report: Before the report is final, both the Principal Party and the Responding Party will be given the opportunity to review the report and provide comments. The investigator will review all comments and integrate relevant information into the final report.
 - iii. Final report: The investigator will decide whether there is enough evidence to conclude that harassment occurred.

The final report will not reveal, directly or indirectly, the identity of persons involved in the complaint or the resolution process.

The final report will be submitted to the Designated Recipient within 60 calendar days of the start of the investigation or the investigator will provide reasons why a longer period of time is required and propose a new deadline. Both the Principal Party and the Responding Party will receive a copy of the final report. Both parties may provide in writing a final submission to be included with the investigator's report. A copy of the report will also be provided to the Policy Health and Safety Committee.

Throughout the investigation process, the Designated Recipient will provide monthly updates regarding the process to both the Principal Party and the Responding Party.

Step 7: Resolution

If the Designated Recipient and, as applicable, the Delegated Union Representative, using the criteria within this Policy, conclude that the complaint is not related to harassment or workplace violence, they inform the Principal Party and the Responding Party in writing and re-direct the Principal Party to the appropriate avenue of recourse or suggest other means of resolving the issue.

If the Designated Recipient and, as applicable, the Delegated Union Representative, using the criteria within this Policy, conclude that the complaint is warranted, the Gallery will take appropriate corrective or disciplinary measures or both. These may include, but are not necessarily limited to, any one or a combination of the following:

- formal apology;
- training in appropriate workplace behaviour;
- professional counselling;
- transfer;
- demotion;
- removal from a supervisory / management position;
- oral or written reprimand;

- suspension without pay;
- termination of employment;
- redress for the Principal Party.

9. RECORD KEEPING AND CONFIDENTIALITY

At a minimum, the Gallery will keep the following records: all notices of occurrence of harassment and/or violence in the workplace, records of the actions taken to address the notices; records of decisions that were made; and records of any delays to the timelines, for a period of 10 years. The Gallery will report to the Labour Program on an annual basis the number of workplace harassment and violence complaints, as mandated by s. 20 of the *Workplace Harassment and Violence Prevention Regulations*.

The documents corresponding to the investigation will be kept on file in a secured location, held by the Director/Chief, Human Resources, separate from any Human Resources files, for as long as necessary and at least two years from the date on which the resolution process ended. Records of any remedial action taken will be placed in the appropriate employee's personnel file.

Confidentiality is required to properly investigate an incident and to offer support to all parties involved. Only those on a "need to know" basis will be advised of the complaint and/or investigation. All parties participating in an investigation, including any person accompanying either the Principal Party or Responding Party during any stage of the investigation, will be required to sign a confidentiality statement. The Gallery will endeavour to maintain confidentiality to the extent possible and all materials and information relating to the complaint and any investigation will be safeguarded in accordance with the requirements of the *Privacy Act*.

10. OTHER REDRESS PROCESSES

The ability of the Principal Party to address their complaint under the *Harassment and Violence Prevention Policy* does not restrict the filing of a grievance under the relevant collective agreements or bringing a complaint under the *Canadian Human Rights Act*, where applicable. It is advisable; however, that such grievance/complaint should be placed in abeyance until the full process of the Policy has been exercised, in order to have as much opportunity as possible to rectify the complaint satisfactorily under this Policy.

Employees represented by union may wish to discuss grievance options with their bargaining agent.

If harassment is based on one of the grounds of discrimination prohibited under the *Canadian Human Rights Act*, employees have the right to file a complaint with the Canadian Human Rights Commission.

Assaults including sexual assault are covered by the *Criminal Code of Canada* and in such cases the Police will be contacted by Protection Services.

11. WORKPLACE ASSESSMENT AND IDENTIFIED RISK FACTORS

The Gallery will identify the risk factors that might cause harassment and violence in the workplace, taking into account the following:

- the culture, conditions, activities and organizational structure of the workplace;
- the circumstances external to the workplace, including domestic violence, that could give rise to harassment and violence in the workplace;

- any reports, records, and data that are related to harassment and violence in the workplace;
- the physical design of the workplace; and
- the measures that are in place to protect the health and safety, including psychological health and safety, in the workplace.

The Gallery and the Policy Health and Safety Committee will develop preventative measures that, to the extent feasible, will mitigate the risk of harassment and violence in the workplace and neither create, nor increase, the risk of harassment and violence in the workplace, and implement those measures.

The review of risk factors will be undertaken whenever the factors that might cause violence or harassment in the workplace change, and at least once every three (3) years.

Some identified risk factors include:

Internal Factors	External Factors
Visibility and design of the building <ul style="list-style-type: none"> - Insufficient lighting in the Building (e.g. corridors, gallery spaces, elevators, stairs); - Hidden areas (corners, nooks and crannies) inside the building; 	Visibility and design of the building <ul style="list-style-type: none"> - Insufficient lighting outside the Gallery (e.g. parking garage, pathway to staff entrance, main and group entrance); - Hidden areas (corners, nooks and crannies) outside of the building;
Security <ul style="list-style-type: none"> - Handling money or valuables - Restrictions regarding visitors and contractors entering the building, e.g. sign-in sheet, escorts; - Evening and night shift work; - Working in isolation (e.g. in a vault) - Being in a common but isolated space (e.g. elevators, restroom, staircase); 	Security <ul style="list-style-type: none"> - Witnessing a security incident outside of the building (e.g. break in, vandalism) - Restrictions regarding visitors and contractors entering the building, e.g. sign-in sheet, escorts; - Suspicious persons or activities in the vicinity of the building;
Interactions with others <ul style="list-style-type: none"> - Exercising control over others when carrying out enforcement duties (e.g. stopping a person from entering the building, physical escort from premises, resistance during a mandatory evacuation) - Confrontational behavior of others when carrying out inspections; 	Interactions with others <ul style="list-style-type: none"> - Confrontational/threatening behavior of others during face to face interactions with the public or contractors; - Psychological condition of an individual; - Antisocial attitudes/beliefs and weak social ties; - Prior delinquent behaviors;
Other factors <ul style="list-style-type: none"> - Employee's prior history of a violent behavior; - High level of stress and work exhaustion due to low staffing levels, extended shifts and forced overtime requirements; - Inadequate staff training and awareness; - Alcohol consumption during and around work hours, e.g. Alcohol impairs judgment; 	Other factors <ul style="list-style-type: none"> - Domestic violence - Road and/or public transit violence (for travelling/commuting employees); - Living/working in a high crime area; - Substance abuse, e.g. drugs, alcohol consumption around the building; - Inadequate victim care community services/support; - Cultural norms that publicise/support violence;

<ul style="list-style-type: none"> - High emotional stress and poor behavioral control; - Marital discord/family conflict. 	<ul style="list-style-type: none"> - Weak economic safety.
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12. TRAINING

Within three months of an employee’s first day of employment, and at least once every three years thereafter, or sooner if necessary, employees will be provided with training with respect to this Policy. The training shall include:

- information and instruction on the risk factors identified in the workplace assessment;
- the rights and responsibilities of employees, supervisors, Human Resources, the Health and Safety Officer, and the Policy Health and Safety Committee under this Policy and all relevant legislation;
- a description of the relationship between workplace harassment and violence and the prohibited grounds of discrimination under the *Canadian Human Rights Act*;
- the scope of workplace harassment and violence and risk factors associated with specific positions;
- the procedures and arrangements to minimize or control the risk of workplace harassment and violence; and
- safe and appropriate responses to incidents or potential incidents, including how to obtain assistance.

13. EMERGENCY PROCEDURES

Violent Situation

If a violent situation, including hostage taking, occurs involving any employees or visitors at the Gallery, immediately call the Duty Officer at 613-990-1981, who will then call 911. If the violent situation occurs after 16:00 then you need to call the Operation Center at 613-990-1980.

Lockdown

A lockdown will be initiated when a violent situation arises, which threatens building occupants and requires the safe isolation (rather than evacuation) of building occupants.

Employees should never jeopardize their safety or the safety of others. Any armed perpetrators should be allowed to take what they want and leave the building.

14. CHANGES TO THIS POLICY

This Policy has been developed jointly by the Gallery (the employer) and the Policy Health and Safety Committee (the Gallery’s Applicable Partner). In line with section 10 (4) of the Work Place Harassment and Violence Prevention Regulations, this policy will be reviewed at least once every three years and following any changes to any element of the Policy. The changes will be discussed with the unions to ensure consistency with their Collective Agreements, the Health and Safety Officer, and the Policy Health

and Safety Committee who will notify the Health and Safety Committee.

15. INQUIRIES

Questions concerning the interpretation of this Policy should be addressed to the Director/Chief of Human Resources or the Director of Human Resources.

REFERENCES

Access to Information Act

Canadian Human Rights Act

Canada Labour Code, Part II

Criminal Code of Canada

Official Languages Act

Privacy Act

Collective Agreement between the National Gallery of Canada and the Public Service Alliance of Canada

Collective Agreement between the National Gallery of Canada and the Professional Institute of the Public Service of Canada

Work Place Harassment and Violence Prevention Regulations: SOR/2020-130

APPENDIX A – Identifying Harassment, Bullying and Violence

Harassment

What generally constitutes harassment	What may constitute harassment	What does not generally constitute harassment
<ul style="list-style-type: none"> • <i>Serious</i> or <i>repeated</i> rude, degrading, or offensive remarks, such as teasing about a person’s physical characteristics, name-calling, or appearance, put-downs or insults. • Displaying sexist, racist or other offensive pictures, posters, or sending e-mails or text messages, making negative references related to one or more grounds prohibited under the <i>Canadian Human Rights Act</i>, namely: <ul style="list-style-type: none"> • Race • National or ethnic origin • Colour • Religion • Age • Sex • Sexual orientation • Gender identity or expression • Marital status • Family status • Disability • Genetic characteristics • Conviction for which a pardon has been granted or a record suspended 	<ul style="list-style-type: none"> • Criticizing an employee in public. • Sarcastically responding to employee questions on multiple occasions in public or in private. • Repeated teasing • Coercing 	<ul style="list-style-type: none"> • Allocating work. • Following-up on work absences. • Requiring performance to job standards. • Taking disciplinary measures. • A single or isolated incident such as an inappropriate remark or abrupt manner.
<ul style="list-style-type: none"> • <i>Repeatedly</i> singling out an employee for meaningless or dirty jobs that are not part of their normal duties. • Mobbing • Destroying or stealing belongings 	<ul style="list-style-type: none"> • Exclusion from group activities or assignments. • Scapegoating • Humiliating others with public gestures 	<ul style="list-style-type: none"> • Exclusion of individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of the job.

<ul style="list-style-type: none"> Threats, intimidation or retaliation against an employee, including one who has expressed concerns about perceived unethical or illegal workplace behaviours. 	<ul style="list-style-type: none"> Statements damaging to a person's reputation. Spreading rumors 	<ul style="list-style-type: none"> Measures taken against someone who is careless in his or her work, such as in the handling of secret information or documents.
<ul style="list-style-type: none"> Unwelcome social invitations, with sexual overtones or flirting, with a subordinate. Unwelcome sexual advances. 	<ul style="list-style-type: none"> Making sexually suggestive remarks. Physical contact such as touching or pinching. 	<ul style="list-style-type: none"> A social relationship welcomed by both individuals.

Bullying

Verbal	Social	Physical	Cyber
name-calling, sarcasm, teasing, spreading rumours, threatening, making negative references to one's culture, ethnicity, race, religion, gender, or sexual orientation, unwanted sexual comments.	mobbing, scapegoating, excluding others from a group, humiliating others with public gestures or graffiti intended to put others down.	hitting, poking, pinching, chasing, shoving, coercing, destroying or stealing belongings, unwanted sexual touching.	using the internet or text messaging to intimidate, put-down, spread rumours or make fun of someone.

Violence

What generally constitutes violence	What may constitute violence	What does not generally constitute violence
<ul style="list-style-type: none"> Physical force or a threat of physical force against an employee by another employee or a member of the public Hitting, poking, pinching, chasing, shoving, kicking, biting, or any behaviour that causes or could cause physical injury 	<ul style="list-style-type: none"> An unwelcome action toward an employee by another employee or a member of the public that may be perceived as threatening (i.e. a hard tap on the back or shoulder, a gesture that may be seen as aggressive) 	<ul style="list-style-type: none"> Welcome, friendly and non-aggressive contact or gestures (i.e. high fives or handshakes, a gentle pat on the back or shoulder)

<ul style="list-style-type: none"> • Verbal or written statements that can be reasonably interpreted as threats (i.e. leaving a threatening note for an employee or threatening an act of violence) • Verbal abuse 	<ul style="list-style-type: none"> • Comments made in the context of a “friendly” or “joking” conversation that could be perceived as threatening 	<ul style="list-style-type: none"> • Friendly conversation, including banter, that is welcomed by both individuals.
<ul style="list-style-type: none"> • Domestic violence situations that become connected to the workplace. • Violent situations between employees that occur outside of work 	<ul style="list-style-type: none"> • Disagreements amongst employees who maintain a social relationship outside of work. • Violent situations that involve an employee outside of work but with no connection to work 	<ul style="list-style-type: none"> • Employees participating in physical contact activities (i.e. contact sports), where there is no reason to believe that the contact is violent or threatening in nature
<ul style="list-style-type: none"> • Possessing a weapon in the workplace, or using an item found in the workplace as a weapon or potential weapon 	<ul style="list-style-type: none"> • Joking about possessing a weapon, bringing a weapon into work, or using an item as a weapon. 	<ul style="list-style-type: none"> • Using a tool (i.e. a knife or hammer) that could be used as a weapon, properly and for its intended purposes.

Sexual and physical assaults are covered by the *Criminal Code*.