

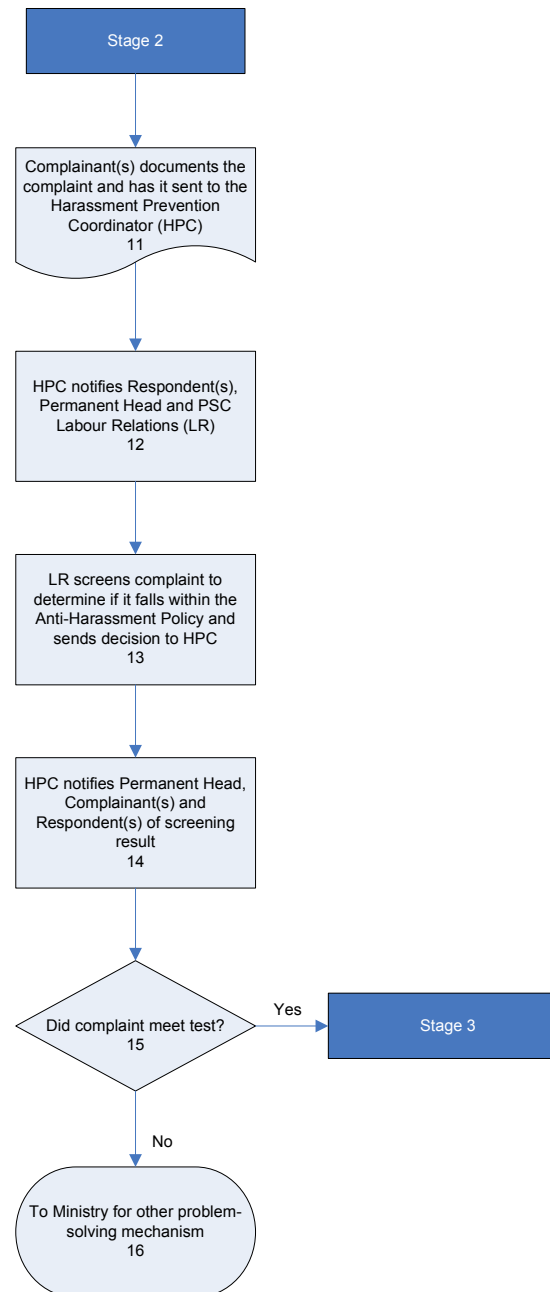
* Given the Employer's obligation to address all harassment allegations, the supervisor/ HR will consult with the HPC and further action may be taken to address the issue.

Section: 807-A-1 Flowchart Appendix A-1

Last Revised: February 2009

Last Reviewed: February 2009

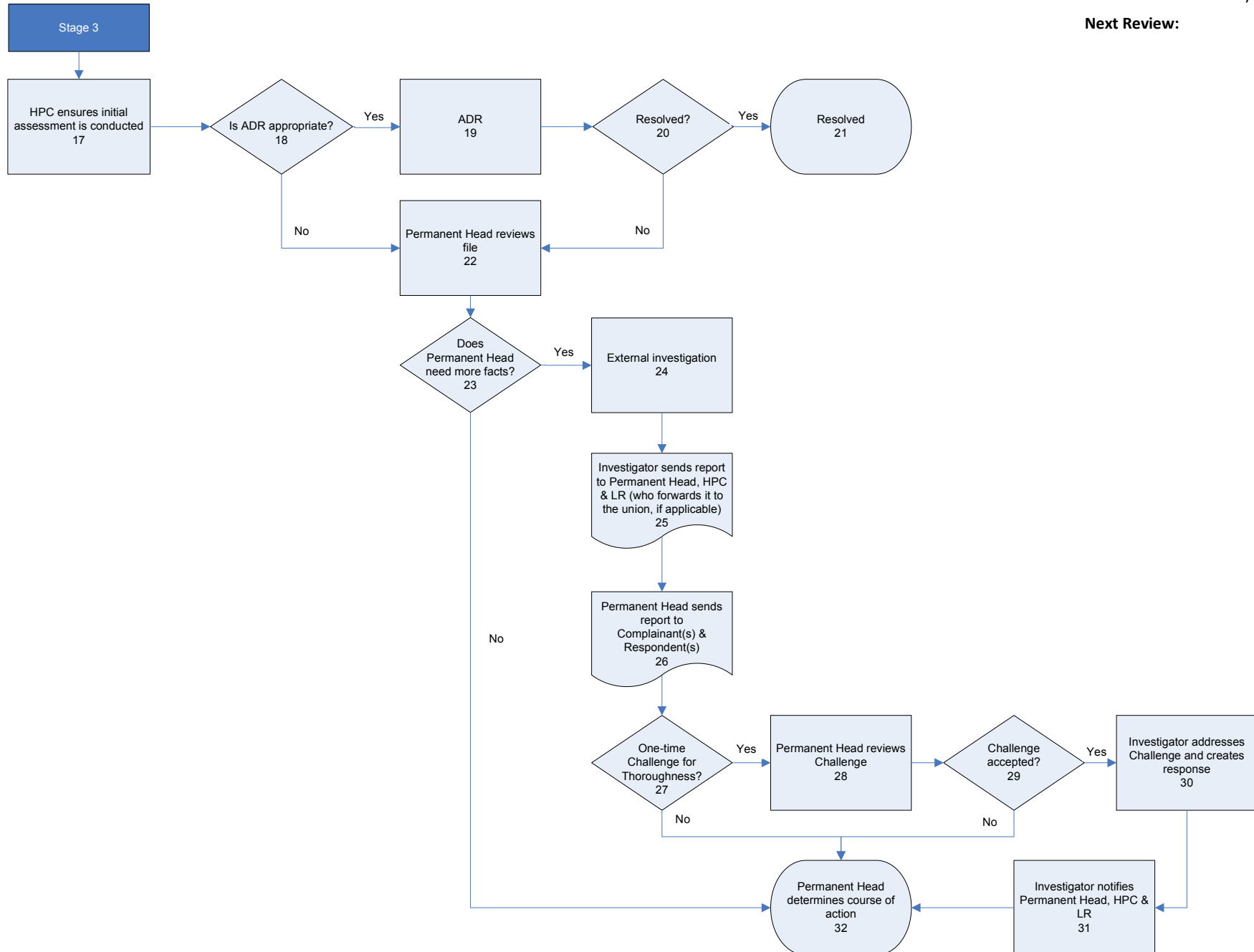
Next Review:



Section: 807-A-1
Flowchart
Appendix A-1

Last Revised: February 2009
Last Reviewed: February 2009

Next Review:



An Incident(s) Occurs – If you feel you are being harassed based on the definition of harassment in this policy:

STAGE 1

- | | | |
|--------------------------|---|---|
| <input type="checkbox"/> | <p>1. Can you resolve it yourself?
If you feel comfortable approaching the Respondent(s) to address the issue, you are encouraged to do so. If the conflict can be resolved by those directly involved, it reduces the disruption in the workplace and contributes to better relationships in the future.</p> | <p>Yes-go to 2
No-go to 5</p> |
| <input type="checkbox"/> | <p>2. Talk to Respondent(s)
Some people are not aware their behavior constitutes harassment. Often, simply informing them you find their behaviour offensive is enough to end it. Make known to the Respondent(s) the behaviour is objectionable and must stop.</p> | |
| <input type="checkbox"/> | <p>3. Do you feel the issue has been resolved?</p> | <p>Yes-go to 4
No-go to 5</p> |
| <input type="checkbox"/> | <p>4. Resolved</p> | |
| <input type="checkbox"/> | <p>5. Could someone else help you to resolve your issue?
If you are unable to approach the other person or the discussion did not improve the situation, raise the problem with your supervisor, Human Resources (HR) and/or, if appropriate, shop steward. They can help you assess your options and develop and implement an action plan for resolution.</p> | <p>Yes-go to 6
No-go to 9</p> |
| | <p>For additional information, see PS 807 <i>Where to go for Information or Help</i>.</p> | |
| <input type="checkbox"/> | <p>6. Is some kind of workplace intervention or Alternate Dispute Resolution (ADR) process appropriate to resolve the matter?
Your supervisor, HR and/or shop steward can help you identify and access ADR mechanisms that may be appropriate under the circumstances.</p> | <p>Yes-go to 7
No-go to 9</p> |
| <input type="checkbox"/> | <p>7. Workplace intervention or ADR process
Implement intervention or ADR process, as appropriate.</p> | |
| <input type="checkbox"/> | <p>8. Do you feel the issue has been resolved?</p> | <p>Yes-go to 4
No-go to 9</p> |
| <input type="checkbox"/> | <p>9. Do you wish to proceed with filing a written complaint?</p> | <p>Yes-go to
Stage 2
No-go to 10</p> |
| <input type="checkbox"/> | <p>10. Finished
Given the Employer's obligation to address all harassment allegations, the supervisor/HR will consult with the Ministry's Harassment Prevention Coordinator (HPC) and further action may be taken to address the issue.</p> | |

STAGE 2



11. Complainant(s) prepares a written complaint and has it sent to the HPC

When the complaint involves a HPC or Deputy Minister, the complaint shall be submitted to Public Service Commission (PSC) Labour Relations.

The written complaint must contain the following information:

- Name of Complainant(s);
- Date of Complaint;
- Ministry and Workplace Address;
- Phone Number(s) of Complainant(s);
- Employment Category;
- Grounds for Complaint (ie. prohibited grounds upon which the alleged harassment occurred);
- Respondent(s) name and contact information (if available);
- Details of the Complaint: describe the behaviour being objected to. What was said or done? When? How often? Where? Circumstances surrounding the incident(s). Describe what has been done in response to the behaviour. Has the Respondent(s) or another appropriate person been advised the behaviour is objectionable and must stop? This information is critical for a proper screening of the complaint;
- Witnesses of alleged harassment;
- Signature of Complainant(s): by signing the complaint, the employee is providing consent to have the information shared to the Respondent(s);
- A separate signature is required to authorize the union to receive a copy of the complaint, if applicable.



12. HPC notifies the Respondent(s), the Ministry's Permanent Head and PSC Labour Relations of the complaint

- The Respondent will be given a copy of the complaint and a copy of the Anti-Harassment Policy. In the case of multiple Respondents, only details of the complaint pertaining to an individual Respondent will be provided to that Respondent.
- Employees in a bargaining unit have a right to union representation during any of the processes outlined in this policy. Individuals outside the bargaining units may be accompanied by a person of their choice, such as Human Resources (HR) or a co-worker.
- All those who receive copies of the complaint must observe strict confidentiality requirements.



13. PSC Labour Relations records the complaint for tracking and monitoring purposes, screens the complaint and forwards result to the HPC

PSC Labour Relations screens the complaint using the criteria: *if the circumstances detailed in the complaint were proven to be true, it would constitute harassment as defined in this policy.*



14. HPC notifies the Complainant(s), Respondent(s) and Ministry's Permanent Head, in writing, of the results of the screen

- 15. Did the complaint meet the test?**
Did PSC Labour Relations find *if the circumstances detailed in the complaint were proven to be true, it would constitute harassment as defined in this policy.*
- Yes-go to Stage 3**
No-go to 16

- OUTSIDE THE POLICY**
- 16. HPC refers the issue (not the written complaint) to the appropriate person within the Ministry for other problem-solving mechanisms outside the policy**

STAGE 3

- 17. Internal assessment/investigation**
The HPC will ensure an initial assessment and/or internal investigation is conducted, as the situation warrants.
- 18. Is ADR appropriate to resolve the matter?**
Your supervisor, HR and/or shop steward can help you identify and access ADR mechanisms that may be appropriate under the circumstances.
- Yes-go to 19**
No-go to 22
- 19. ADR process**
Implement ADR process, as appropriate.
- 20. Is the issue resolved?**
- Yes-go to 21**
No-go to 22
- 21. Resolved**
HPC notifies PSC Labour Relations and the Permanent Head that the issue has been resolved and provides them with the resolution/agreement between the Complainant(s) and Respondent(s).
- 22. Permanent Head reviews file**
The HPC will forward the complaint and all policy process activities to the Permanent Head. The Permanent Head will review the file and gather more facts, as deemed appropriate in the circumstances.
- 23. Does the Permanent Head need more facts to make a decision?**
The Permanent Head will determine if there are enough facts to decide if the complaint is founded, unfounded or made in bad faith.
- Yes-go to 24**
No-go to 32
- 24. External investigation**
The HPC will advise PSC Labour Relations that an external investigation is required. PSC Labour Relations will coordinate the appointment of the investigator.

- 25. External investigator sends written report to the Permanent Head, HPC and PSC Labour Relations**
Upon completion of the investigation, the investigator will submit a written report to the Permanent Head, HPC and PSC Labour Relations (who forwards complaint to the union, if applicable).

The report will detail the following:

- the complaint;
- the response;
- a list of witnesses;
- relevant witness testimony;
- relevant documents;
- findings of the investigation;
- the investigator's conclusion respecting each allegation/complaint as to whether the allegation/complaint was founded, unfounded or made in bad faith.

The investigator's report may include a recommended course of restorative action, but will not provide recommendations regarding disciplinary action.

- 26. Permanent Head sends written report to Complainant(s) and Respondent(s)**
Within five (5) working days of receiving the investigator's written report, the Permanent Head will distribute the report to the Complainant(s) and Respondent(s). In the event of multiple Complainants, only the details pertaining to an individual Complainant will be provided to that Complainant. In the event of multiple Respondents, only the details of the report pertaining to the individual Respondent will be provided to that Respondent.

- 27. One-time Challenge for Thoroughness?** **Yes-go to 28**
No-go to 32
Within five (5) working days of receiving the investigator's written report, either the Complainant(s) or the Respondent(s) may request a review of the investigation for thoroughness. The challenge must be submitted in writing to the Permanent Head. The Complainant(s) and/or Respondent(s) may submit a challenge for thoroughness only once and must specify, in detail, what aspect of the report is seen as inadequate and why. The timeframe may be extended with agreement of the Permanent Head.

- 28. Permanent Head reviews challenge**
The Permanent Head reviews the challenge to determine if the report should be reviewed or clarified or the investigation reopened.

- 29. Challenge accepted?** **Yes-go to 30**
No-go to 32
Did the Permanent Head find that the report should be reviewed or clarified or the investigation reopened?

- 30. Investigator addresses challenge**
Investigator reviews challenge and creates response.

31. Investigator notifies the Permanent Head, HPC and PSC Labour Relations
Investigator provides response of review of challenge to the Permanent Head, HPC and PSC Labour Relations.

32. Permanent Head determines course of action
The Permanent Head makes a decision as to appropriate course of action to be taken. Prior to making a decision, the Permanent Head may choose to consult with the Permanent Head Advisory Panel. The Permanent Head will communicate the decision to the Complainant(s) and Respondent(s).

The Permanent Head will communicate to the Complainant(s) and Respondent(s) the details of the restorative action and implementation plans. Where disciplinary action is applied as part of the restorative plan, the Permanent Head will, on a confidential basis, inform the Complainant(s) of the discipline imposed on the Respondent(s), the rationale for imposing discipline and the relevant considerations taken into account. If it is determined that disciplinary action will not be imposed as part of the restorative plan, that decision will also be communicated and explained to the Complainant(s).