

## Investigation and Resolution of Harassment Complaints – 2014-11-14

1. [Policy](#)
2. [Definitions](#)
3. [General](#)
4. [Sexual Harassment](#)
5. [Expectations and Responsibilities](#)
6. [Retaliation](#)
7. [Informal Resolution Process](#)
8. [Application of the Public Service Grievance Process to Workplace Harassment](#)
9. [Complaint Process](#)
10. [Intake Procedures](#)
11. [Harassment Investigation and Resolution of Harassment Process](#)
12. [Preliminary Investigation Report](#)
13. [Final Investigation Report](#)
14. [Final Written Decision](#)
15. [Recourse](#)
16. [Conclusion](#)
17. [Alternative Complaint Procedures](#)
18. [Data Entry and Case Management](#)

AM – App. XII 1-1 Order of Temporary Reassignment [LINK to Conduct template]

AM – App. XII 1-2 Order of Suspension [LINK to Conduct template]

AM – App. XII 1-3 Notice of Intent to Order the Stoppage of Pay and Allowances [LINK to Conduct template]

AM – App. XII 1-4 Order to Stop the Pay and Allowances [LINK to Conduct template]

AM – App. XII 1-5 Subject Member Statement [LINK to Conduct template]

AM – App. XII 15-1 Statement - Public Service Employee Respondent

AM – XII-15-2 Witness Statement - Investigation and Resolution of Harassment Complaint

AM – App. XII 1-7 Reference for Conducting a Workplace Search During a Code of Conduct Investigation [LINK to Conduct template]

AM – App. XII 1-8 Information to Obtain a Production Order [LINK to Conduct template]

AM – App. XII 1-9 Production Order [LINK to Conduct template]

AM – App. XII 1-11 Briefing Note [LINK to Conduct template]

AM – App. XII 15-3 Subject Member Investigation and Resolution of Harassment Complaints Mandate Letter

AM – App. XII-15-4 – Investigation Mandate Letter - Investigation and Resolution of Harassment Complaints (Public Service Employee Respondent)

AM – App. XII 15-5 Investigation Report - Investigation and Resolution of Harassment Complaints

AM – App. XII 1-13 Notice of Conduct Meeting [LINK to Conduct template]

AM – App. XII 15-6 Record of decision - Investigation and Resolution of Harassment Complaints

AM – App. XII 1-16 Conduct Measures [LINK to Conduct template]

AM – App. XII 1-19 Notice of Conduct Hearing [LINK to Conduct template]

AM – App. XII 1-20 Mitigating and Aggravating Circumstances [LINK to Conduct template]

AM – App. XII 1-21 Conduct Board Member's Oath of Office [LINK to Conduct template]

AM – App. XII 1-22 Representatives Code of Ethics [LINK to Conduct template]

AM – App. XII-15-7 Request for the Recusal of a Decision Maker or Objection to an Investigator (Subject member or Public Service Employee)

AM – App. XII 15-8 Informal Resolution Process

(For information regarding this policy, contact the Office for the Coordination of Harassment Complaints at GroupWise address OfficeHarassmentComplaints-BureauPlaintesHarcelement)

## 1 Policy

- 1.1 The purpose of this Policy, in conjunction with the [Treasury Board Policy on Harassment Prevention and Resolution](http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26041&section=text) (Link to: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26041&section=text>), and the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)* (Link), is to provide the procedures for the investigation and resolution of complaints of harassment where efforts to prevent or resolve harassment through the respectful workplace program have been unsuccessful.
- 1.2 The RCMP is committed to providing a safe and respectful workplace free of discrimination and harassment.
- 1.3 The [Treasury Board Policy on Harassment Prevention and Resolution](http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26041&section=text) (Link to: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26041&section=text>) stresses the importance of protecting employees from harassment and requires that procedures be established to promptly deal with complaints of harassment.
- 1.4 The [Values and Ethics Code for the Public Sector](http://tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=25049) (Link to: <http://tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=25049>), outlines the expectations and obligations applicable to all employees in the RCMP, including respecting human dignity and treating every person with respect and fairness, and creating and maintaining safe and healthy workplaces free from harassment.
- 1.5 Section 2.1 of the Code of Conduct [Link to sec. 19 of new RCMP Regulations – Code of Conduct Schedule] requires that members treat every person with respect and courtesy and do not engage in harassment or discrimination, and unless exempted according to AM XII.1, sec. 4.1.3 ( Conduct Management Policy) [LINK to AM Part XII-1, sec. 4.1.3.], report as soon as feasible, and take appropriate action according to sec. 8.3 of the Code of Conduct [Link to sec. 19 of new RCMP Regulations – Code of Conduct Schedule] if the conduct of another member contravenes the Code of Conduct [Link to sec. 19 of new RCMP Regulations – Code of Conduct Schedule].
- 1.6 The RCMP Organizational Code of Conduct [Link to: <http://infoweb.rcmp-grc.gc.ca/rcmpmanuals/eng/am/12/am12-13/am12-13.htm>] requires that public service employees respect the rights of every person, and do not discriminate, by words or action, against any person based on the prohibited grounds of race, national or ethnic origin, colour, religion, sex, age, mental or physical disability, sexual orientation, family or marital status, as outlined under the *Canadian Human Rights Act* [Link to: <http://laws-lois.justice.gc.ca/eng/acts/H-6/page-1.html>].
- 1.7 Harassment is serious and needs to be addressed promptly and with sensitivity. The primary goal in responding to a complaint of harassment is to resolve allegations of harassment in the most informal way practicable, and with the least disruption possible for the parties involved and the work environment. While harassment allegations require access to a rigorous investigation and resolution process, it is consistent with such a process that cases may, upon closer examination , and with the consent of all parties, be effectively dealt with through informal resolution.

- 1.8 The promotion of a respectful workplace should not interfere with, or restrict in any way, the ability of a manager, supervisor or person empowered under the *RCMP Act*, *RCMP Regulations*, Commissioner's Standing Orders or relevant policies to exercise their authorities or responsibilities to maintain order and good conduct in the workplace or perform the normal functions associated with their responsibilities, e.g. the making of decisions, assigning work, giving direction or advice, completing performance evaluations, addressing performance concerns, acting as an adjudicator in a grievance or appeal, or imposing disciplinary or conduct measures.
- 1.9 Management is responsible for providing support to employees who are subject to behaviours that may be found to be harassment, to take timely action as soon as practicable to address the behaviours of concern and, where necessary, to resolve an issue through informal resolution and arrange for the assistance of a resource person. See [HSM ch. III.3](#) [LINK to ICMP policy: <http://infoweb.rcmp-grc.gc.ca/manuals-manuels/national/hsm-mss/3/3-3-eng.htm>].
- 1.10 Any supervisor or manager who fails to take timely and appropriate action to stop harassment or discrimination may be subject to disciplinary or conduct measures, up to and including dismissal.
- 1.11 Where possible and appropriate, a complainant and respondent involved in a harassment situation are expected to make every reasonable effort to resolve their issues informally and promptly, at the first instance of a situation of disrespectful or perceived harassing behavior.
- 1.12 Every employee has a right to have any incident of harassment dealt with in an expeditious, impartial, and sensitive manner, without fear of retaliation.
- 1.13 Any employee may be subject to disciplinary or conduct measures up to and including dismissal, who:
- 1.13.1 interferes with the investigation or resolution of a harassment complaint,
- 1.13.2 fails to respect the requirements of confidentiality related to this Policy,
- 1.13.3 engages in act of retaliation, or
- 1.13.4. files a complaint that is frivolous, vexatious, or made in bad faith.

## 2 Definitions

- 2.1 **Code of Conduct** means the Code of Conduct of the RCMP outlined in the schedule to the Regulations.
- 2.2 **Complaint** means an allegation, or allegations, of harassment submitted in writing, preferably in [form 3919](#) , to the Office for the Coordination of Harassment Complaints.
- 2.3 **Complainant** means an RCMP employee who has submitted a complaint.
- 2.4 **Decision maker** means a person designated in writing by the Commissioner to render a decision in respect of a complaint.
- 2.4.1 If the respondent is a member, the decision maker will also be designated a conduct authority in respect of the member under subsec. 2(3) of the *RCMP Act*, or, if a conduct board is appointed under sec. 43 of the *RCMP Act*, then the conduct board will serve as the decision maker for the purposes of this Policy.

- 2.4.2 If the respondent is a public service employee, the decision maker in respect of a complaint is the person identified in sec. 5.4. If the decision maker is not the delegated manager, the identification of the delegated manager who may impose disciplinary measures against a PSE respondent is as established under the [Treasury Board Guidelines for Discipline](#) (Link to: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=22370&section=text>).
- 2.4.3 The persons occupying the following positions are designated as decision makers:
- 2.4.3.1 the CO of the division in which the respondent is located;
  - 2.4.3.2 the CO of National Headquarters, if the respondent is an employee posted to an “N” or “S” collator, notwithstanding the physical location of the employee’s posting;
  - 2.4.3.3 the Assistant Commissioner, Federal Policing Special Services, if an employee is posted outside of Canada;
  - 2.4.3.4 for a CO, an assistant commissioner, a deputy commissioner, a senior officer, or a senior executive;
  - 2.4.3.5 the Senior Officer designated by the Commissioner in respect of disclosures made under the [Public Servants Disclosure Protection Act](#) (Link to: <http://laws-lois.justice.gc.ca/eng/acts/P-31.9/>) that result in a harassment complaint investigation and resolution process; and
  - 2.4.3.6 any person designated by the Commissioner.
- 2.5 **Delegated manager** means a person delegated in writing by the Commissioner to render a decision on disciplinary measures in respect of a complaint against a public service employee.
- 2.6 **Employee** means persons employed or appointed under the *RCMP Act*, including public service employees, members, temporary, term, or casual employees, and reservists when called up for duty.
- 2.7 **Final investigation report** means the report completed by an investigator mandated by a decision maker to conduct an investigation into a complaint that is submitted following the completion of the investigation, and includes supporting material relating to the report where applicable.
- 2.8 **Harassment** means any improper conduct by an individual that is directed at, and is offensive to, another individual 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 an objectionable act, comment, or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the [Canadian Human Rights Act](#), i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, and pardoned conviction.
- 2.8.1 Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the individual;
  - 2.8.2 Harassment includes sexual harassment;

- 2.8.3 Harassment, if established, is a contravention of the Code of Conduct [Link to sec. 19 of new RCMP Regulations – Code of Conduct Schedule] in respect of a member, and a member who has committed harassment may be subject to conduct proceedings under the *RCMP Act*;
- 2.8.4 The legitimate and proper exercise by an employee of powers, duties, functions, authorities, responsibilities provided for under the *RCMP Act*, Regulations, or Commissioner’s Standing Orders, is not harassment;
- 2.8.5 **Sexual harassment** means any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee, or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion, and is included under the definition of harassment above.
- 2.9 **Harassment advisor** means a person responsible for the administration of matters relating to the harassment complaint investigation and resolution for a division.
- 2.10 **Harassment complaint investigation and resolution process** means any of the administrative actions, decisions, or processes provided for by the *RCMP Act*, Regulations, the Commissioner’s Standing Orders, or the Force’s policies relating to the investigation and resolution of a harassment complaint.
- 2.11 **Harassment reviewer** means a person responsible for the administration of matters relating to the harassment complaint investigation and resolution within the Office for the Coordination of Harassment Complaints.
- 2.12 **Informal resolution process** means a process used by the parties to resolve a complaint informally, and includes the informal conflict management system established under sec. 30.2 of the *RCMP Act*.
- 2.13 **Investigator** means a person mandated by a decision maker to conduct an investigation into a complaint that an employee may have allegedly engaged in harassment, and who is named in a Harassment Investigation Mandate Letter as the investigator.
- 2.14 **Member** means a member as defined in sec. 2 of the *RCMP Act*.
- 2.15 **Office for the Coordination of Harassment Complaints (OCHC)** means the office of the RCMP that is responsible for administrative matters relating to the Investigation and Resolution of Harassment Complaints.
- 2.16 **Office for the Coordination of Grievances and Appeals** means the office of the RCMP that is responsible for administrative matters relating to grievances and appeals.
- 2.17 **Parties** means the complainant and the respondent identified in a complaint being dealt with under the harassment investigation and resolution process.
- 2.18 **Prima facie** means a preliminary finding, based on a presumption that the information obtained during the Harassment investigation is accurate, and that there is sufficient information available to find the essential elements of the alleged contravention of the Code of Conduct are established on a balance of probabilities. This presumption may be rebutted by the representations made by the subject member.
- 2.19 **Public Service Employee (PSE)** means a person appointed under the *Public Service Employment Act*.

- 2.20 **RCMP Act** means the *Royal Canadian Mounted Police Act*, (R.S.C. 1985, c. R-10), as amended.
- 2.21 **RCMP Regulations** means the *Royal Canadian Mounted Police Regulations, 2014*.
- 2.22 **Respondent** means, for the purposes of this Policy, any employee identified in a complaint as allegedly having engaged in harassment.

### 3 General

- 3.1 This Policy is effective 2014-00-00
- 3.2 This Policy applies to all RCMP members, public service employees, including indeterminate, temporary, term, casual employees, and reservists when called up for duty, as well as non-RCMP employees who work within RCMP workplaces, including but not limited to cadets, students, contractors, municipal employees, and custodial services personnel, employees of other departments, or persons working or attending courses on RCMP premises. It extends to harassment situations which occur at or away from the workplace, during and outside of working hours, provided that such situations are linked to the workplace and may have a negative impact on working relationships, work effectiveness, or the job security of an RCMP employee.
- 3.3 The written complaint process as defined in this Policy applies to RCMP employees only. While other persons working on RCMP premises cannot access the written complaint process as described in sec. 9.1., supervisors and managers are nevertheless expected to respect the spirit and intent of this Policy to ensure that all harassment concerns raised by non-RCMP personnel or in respect of non-RCMP personnel are addressed.
- 3.4 If a member is a complainant or respondent, this Policy is to be read and applied in conjunction with the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*, the *Commissioner's Standing Orders (Conduct)*, and the *Commissioner's Standing Orders (Grievances and Appeals)*.
- 3.5 If a PSE is a complainant or respondent, this Policy is to be read and applied in conjunction with any applicable collective agreements or Treasury Board policies.
- 3.6 The provisions of this Policy may not continue to apply in their totality where an employee who made a complaint subsequently ceases to be an employee prior to the completion of the harassment investigation and resolution process, or if a respondent to a complaint ceases to be an employee. An investigation into a complaint will continue to conclusion, notwithstanding that no action is possible against the respondent if the complaint is established, unless it is not required in the circumstances. A decision maker must consult with the Office for the Coordination of Harassment Complaints (OCHC) in these circumstances.
- 3.7 If a complaint is found not to be established at the departmental level, and is pursued in the courts or at a tribunal, the RCMP will provide legal assistance to the respondent in accordance with the provisions of [AM VIII.4.](#) and the [Treasury Board Policy on Legal Assistance and Indemnification](#).

## 4 Sexual Harassment

- 4.1 Sexual harassment represents a particularly serious form of harassment that will not be tolerated in the RCMP workplace.
- 4.2 An employee found to have engaged in sexual harassment can expect to be subject to disciplinary or conduct measures up to and including dismissal.
- 4.3 The investigation and resolution process provided for under this Policy and the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)* applies to complaints that include allegations of sexual harassment.
- 4.4 Harassment investigations in respect of complaints alleging sexual harassment will be conducted in a manner that recognizes the serious impacts that this particular form of harassment can have on employees and the workplace.
- 4.5 Training for investigators and decision makers will be provided to ensure that the personal impacts of sexual harassment on employees who are subject to such behaviours are taken into consideration during the application of this Policy.
- 4.6 Supervisors and managers will ensure that employees impacted by a sexual harassment investigation and resolution process are provided with information in respect of support services available through the RCMP.

## 5 Expectations and Responsibilities

### 5.1 Employees

#### 5.1.1 Every RCMP employee can expect:

- 5.1.1.1 to be provided with a safe and respectful workplace; and
- 5.1.1.2 to receive information and learning opportunities relating to harassment awareness, prevention, and resolution.

#### 5.1.2 Every RCMP employee has a responsibility to:

- 5.1.2.1 treat every person with respect and courtesy, and not engage in discrimination or harassment;
- 5.1.2.2 report behaviour that may constitute harassment;
- 5.1.2.3 complete any mandatory training in respect of the awareness, prevention, and resolution of harassment as directed by the Commissioner;
- 5.1.2.4 make known to a person exhibiting behaviour that appears to be or may be perceived as harassment, when appropriate to do so and within a reasonable time of an incident, that the behaviour is not acceptable, and that they must cease;
- 5.1.2.5 where appropriate, try to resolve a concern relating to behavior that appears to be or may be perceived as harassment through discussion or informal resolution;

- 5.1.2.6 immediately seek assistance from a supervisor/manager, a Labour Relations Advisor, harassment advisor, Informal Conflict Management Practitioner, bargaining agent representative, or staff relations representative (SRR), as appropriate, to address or resolve the situation;
- 5.1.2.7 subject to the *RCMP Act*, cooperate with persons investigating or administering the harassment investigation and resolution process by making himself/herself available for meetings, and providing information as requested; and
- 5.1.2.8 respect the confidentiality of the process by limiting disclosure of information arising from the complaint to include only that information that another person needs to know in order to address the complaint or administer the harassment investigation and resolution process.
- 5.1.3 If an employee witnesses an incident or series of incidents that appear to constitute harassment, but the employee is not the subject of the behaviour observed, the employee should bring the incident or incidents to the attention of his/her supervisor/manager.
- 5.1.4 An employee may also seek advice or guidance as to appropriate action from harassment advisors, the OCHC, Informal Conflict Management Program (ICMP), Public Service Labour Relations, SRRs, Bargaining Agent Representatives, or other support services.

## 5.2 Supervisor or Manager

- 5.2.1 A supervisor or manager can expect:
  - 5.2.1.1 to be able to exercise his/her managerial authorities and responsibilities without fear of being found to have engaged in harassing behaviour, as long as the exercise of his/her authorities and responsibilities is performed in a legitimate, proper, and respectful manner.
- 5.2.2 A supervisor or manager has the responsibility to:
  - 5.2.2.1 lead by example and to exhibit respectful behaviour in his/her interactions with employees and other persons in the workplace;
  - 5.2.2.2 be vigilant and monitor the workplace for disrespectful behavior that could contribute to the development of a workplace that is no longer free of harassment;
  - 5.2.2.3 address any situations that appear to be or may lead to incidents of harassment, whether or not a complaint has been made, as soon as practicable once becoming aware of the situation;
  - 5.2.2.4 report behavior that appears to be or may be perceived to be harassment by colleagues to the appropriate level of management;
  - 5.2.2.5 direct employees to the proper sources of information and support relating to concerns in respect of harassment issues;
  - 5.2.2.6 obtain advice and guidance from support services and sources of information such as harassment advisors, OCHC, ICMP, Public Service Labour Relations, or other support services as required;



- 5.2.2.7 ensure training and information related to the establishment and maintenance of a harassment-free workplace is made available to all employees;
  - 5.2.2.8 address all potential harassment situations confidentially and ensure that employees who are part of a harassment investigation and resolution process are aware of, and respect, the confidentiality of the process accordingly; and
  - 5.2.2.9 take action during and following the implementation of the harassment investigation and resolution process to address concerns of individuals in the workplace.
- 5.2.3 If a supervisor or manager is advised of an incident or behaviour that appears to be or could be perceived to be harassment by an employee who was not the person at whom the behaviour was directed, the supervisor or manager must take appropriate steps to determine if a response consistent with the Workplace Relations Services would be appropriate, or if an investigation should be initiated under Part IV of the *RCMP Act*, or under this Policy and the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*, or to otherwise determine if other processes, such as, but not limited to, performance management procedures, would be appropriate.
- 5.2.4 If an employee submits a complaint of harassment to a supervisor or manager in the manner outlined under this Policy, the supervisor or manager must forward the complaint to the OCHC without delay.

### 5.3 Delegated manager

- 5.3.1 The delegated manager has the responsibility to:
- 5.3.1.1 ensure he/she is the delegated manager of the respondent and that he/she has the right level of delegation and the personnel authorities under which he/she may render a decision according to the legislation, collective agreements, and compensation plans;
  - 5.3.1.2 ensure he/she is not in a conflict of interest;
  - 5.3.1.3 seek guidance from his/her divisional Public Service Human Resources Advisor as soon as a written decision and recommendations are received from a decision maker;
  - 5.3.1.4 based on the written decision, evidence or materials presented from a decision maker, make a determination regarding possible disciplinary action;
  - 5.3.1.5 initiate a disciplinary hearing and ensure the respondent is afforded the opportunity to have a union representative attend according to his/her collective agreement; and
  - 5.3.1.6 initiate a rendering of decision meeting and provide the decision on the disciplinary measures if imposed to the respondent and ensure the respondent is afforded the opportunity to have a union representative attend according to his/her collective agreement; and advise the decision maker on the decision pertaining to the disciplinary measures.

## 5.4 Decision maker

5.4.1 The decision maker has the responsibility to:

5.4.1.1 if necessary temporarily reassign the complainant, respondent or both in order to separate the parties, hierarchically, physically, or both, for the duration of the harassment investigation and resolution process;

5.4.1.2 remain impartial throughout the process;

5.4.1.3 in consultation with a harassment advisor or the OCHC, identify the scope and nature of the allegations presented within the complaint;

5.4.1.4 ensure that the police service of jurisdiction is informed without delay, as the circumstances require, of any incidents that may constitute a criminal offence;

5.4.1.5 ensure that individuals conducting an investigation:

5.4.1.5.1 meet the qualifications required for investigators as established by the Commissioner;

5.4.1.5.2 have no supervisory relationship with the parties;

5.4.1.5.3 are certified as harassment investigators by the RCMP; and

5.4.1.5.4 are not in a conflict of interest with the parties.

5.4.1.6 ensure he/she is not in a conflict of interest with the parties, any witnesses, or other persons who form part of the investigation and resolution process;

5.4.1.7 inform the OCHC, in writing when he/she is unable to fulfill the decision making role due to an objection, conflict of interest, or other reason.

NOTE: The Professional Responsibility Officer will arrange for an alternative decision maker to be designated where required.

5.4.1.8 if an investigation is required mandate such investigation as deemed necessary. Issue a Harassment Investigation Mandate Letter as outlined in AM App. XII-15-3 or AM App. XII-15-4 [LINK], and direct the investigator to conduct the investigation as soon as practicable, to be vigilant for opportunities for informal resolution during the investigation, and ensure that there is an ability for the investigators to conduct the investigation on a priority basis;

5.4.1.9 based on the information, evidence or materials presented in the final investigation report, make a determination as to whether the complaint is established on a balance of probabilities or has not been established, and provide the decision to the parties in writing;

5.4.1.10 if the respondent is a PSE, in addition to providing the written decisions to the parties, provide the written decision with any appropriate recommendations to the respondent's delegated manager, in order for the delegated manager to make a determination regarding possible disciplinary action;

5.4.1.11 if the respondent is a member;

5.4.1.11.1 determine on a prima facie basis if the respondent has contravened the Code of Conduct;

5.4.1.11.2 if it is determined that there is no prima facie basis to demonstrate a contravention of the Code of Conduct, provide the written decision to the parties and their respective managers for appropriate action; or

5.4.1.11.3 initiate a conduct meeting and decide if the respondent has, on a balance of probabilities, contravened the Code of Conduct and if so, impose one or more conduct measure, as provided for under the *RCMP Act*, the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*, and the *Commissioner's Standing Orders (Conduct)*, as appropriate; or

5.4.1.11.4 initiate a conduct hearing under subsec. 41(1) of the *RCMP Act*.

5.4.1.11.5 provide any recommendations to the divisional CO or the divisional manager responsible for the administration of human resource functions, as deemed appropriate, to assist in the remediation of the workplace.

## 5.5 Harassment Advisor

5.5.1 The harassment advisor has the responsibility to:

NOTE: This represents a function and not necessarily a position. In some divisions, this role may be assumed by an employee on an ad hoc basis on the direction of a CO, a divisional manager responsible for the administration of human resource functions, or at the request of a decision maker.

5.5.1.1 ensure that the parties are aware of available support and advisory services during the Investigation and Resolution of Harassment Complaints process;

5.5.1.2 inform the parties of legislated and administrative time frames, as required, and monitor the application of those time frames;

5.5.1.3 in support of and under the direction of the decision maker, monitor and coordinate the procedures contained in the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*, the requirements set under this Policy and any other applicable policy, and any applicable collective agreement, and monitor the application of confidentiality requirements;

5.5.1.4 coordinate the harassment complaint investigation and resolution process and advise the parties of the status of the investigation in writing every 30 days;

5.5.1.5 ensure that documents relating to the harassment complaint investigation and resolution process are placed only on the harassment investigation and resolution file.

EXCEPTION: Documents outlining the imposition of disciplinary or conduct measures are to be placed on an employee's discipline or conduct file.

- 5.5.1.6 ensure that the parties are provided with the information to which they are entitled subject to the [Access to Information Act](http://laws-lois.justice.gc.ca/eng/acts/A-1/) (Link to: <http://laws-lois.justice.gc.ca/eng/acts/A-1/>) and [Privacy Act](http://laws-lois.justice.gc.ca/eng/acts/P-21/index.html) (Link to: <http://laws-lois.justice.gc.ca/eng/acts/P-21/index.html>);
- 5.5.1.7 provide information and support to divisional management concerning all matters relating to this Policy in the division for which the harassment advisor is responsible;
- 5.5.1.8 inform divisional Public Service Labour Relations advisors as soon as practicable when a complaint involving a PSE, either as a complainant, a respondent, or both, is received, and provide updates to the Public Service Labour Relations advisors in regard to the progression of the investigation and resolution process, when appropriate; and
- 5.5.1.9 if a PSE is a complainant or respondent, ensure that the decision maker, the parties, or any other individuals with a responsibility to support the implementation of the harassment investigation and resolution process, are aware of, and respect, any articles that form part of any applicable collective agreements.

## 5.6 Office for the Coordination of Harassment Complaints

- 5.6.1 The OCHC has the responsibility to:
  - 5.6.1.1 receive and undertake an initial assessment of a complaint to ensure that it is as complete as possible, in consultation with the complainant where appropriate, before referring the complaint to the harassment advisor for the initiation of the harassment investigation and resolution process, and any subsequent determinations by the decision maker;
  - 5.6.1.2 provide information and support to harassment advisors and management concerning all matters relating to this Policy;
  - 5.6.1.3 perform monitoring and review functions in respect of this Policy;
  - 5.6.1.4 review investigations and decisions to monitor the consistent and appropriate application of this Policy;
  - 5.6.1.5 conduct quality reviews of harassment complaint investigation and resolution files;
  - 5.6.1.6 ensure that all information is properly entered into the Administrative Case Management System (ACMT);
  - 5.6.1.7 provide statistics and reports as directed by the Professional Responsibility Officer; and
  - 5.6.1.8 conduct quality assurance reviews of this Policy.

## 5.7 Complainant

### 5.7.1 Complainants can expect:

- 5.7.1.1 to file a complaint in the official language of their choice;
- 5.7.1.2 to have any retaliation as a result of their participation in the RCMP harassment complaint investigation and resolution process addressed as soon as practicable, once any retaliation has been reported to a supervisor or manager, or a supervisor or manager becomes aware of any retaliation;
- 5.7.1.3 to be provided with an opportunity by the OCHC to include supplemental information following the initial complaint submission, within the time limit set under this Policy, to ensure that the complaint is sufficiently complete to enable a decision maker to determine an investigational mandate or render a decision as to whether allegations of harassment are established;
- 5.7.1.4 during meetings and interviews related to the investigation and resolution of the complaint, to be accompanied by a person of their choice, including but not limited to, a bargaining agent representative or SRR, who has agreed to do so and who is not a party to the complaint;
- 5.7.1.5 to be provided with a copy of their statement in the form recorded by the investigators as soon as practicable following completion of the statement, and to be able to dispute the accuracy of the statement to the investigator within seven days of being provided with the statement, subject to an extension of time proved by the decision maker at the request of the complainant;
- 5.7.1.6 to be provided a copy of the preliminary investigation report and be afforded an opportunity to respond to the information contained in the preliminary investigation report within seven days of being provided with the preliminary investigation report, unless granted an extension of time by the decision maker, prior to it being submitted to the decision maker;
- 5.7.1.7 that no documentation relating to the complaint be placed on any file other than one created specifically for a harassment investigation and resolution process;

EXCEPTION: Documents imposing disciplinary or conduct measures are to be placed on an employee's discipline or conduct file.

- 5.7.1.8 to be advised of the status of the harassment investigation and resolution process in writing every 30 days; and
- 5.7.1.9 to be informed in writing if disciplinary or conduct measures have been taken as a result of the complaint subject to the provisions of the [Privacy Act](#).

### 5.7.2 Complainants have the responsibility to:

- 5.7.2.1 provide written details of the alleged harassment when filing a complaint with the OCHC, unless exceptional circumstances prevent the complainant from doing so; and
- 5.7.2.2 fully participate in the harassment investigation and resolution process.

## Investigation and Resolution of Harassment Complaints – 2014-11-14

- 5.7.2.3 A complainant who is a member is to be aware that he/she is:
  - 5.7.2.4 subject to the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)* [LINK];
  - 5.7.2.5 subject to the Code of Conduct [Link to sec. 19 of new RCMP Regulations – Code of Conduct Schedule] at all times;
  - 5.7.2.6 subject to the *RCMP Act* and the *Commissioner's Standing Orders (Conduct)* [LINK], to attend as a witness during a conduct proceeding in respect of a member respondent;
  - 5.7.2.7 subject to the [Treasury Board Guidelines for Discipline](http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=22370&section=text) (Link to: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=22370&section=text>), to attend as a witness during a disciplinary proceeding in respect of a respondent PSE; and
  - 5.7.2.8 subject to Part IV of the *RCMP Act* if a complaint is found to be frivolous, vexatious, or made in bad faith.
- 5.7.3 A complainant who is a PSE is to be aware that he/she is:
  - 5.7.3.1 subject to the [Treasury Board Guidelines for Discipline](http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=22370&section=text) (Link to: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=22370&section=text>), to attend as a witness during a disciplinary proceeding in respect of a respondent PSE;
  - 5.7.3.2 subject to attendance during a conduct proceeding under Part IV of the *RCMP Act* [LINK] where summonsed in respect of a member respondent;
  - 5.7.3.3 subject to a disciplinary process under the [Treasury Board Guidelines for Discipline](http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=22370&section=text) (Link to: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=22370&section=text>), if a complaint is found to be frivolous, vexatious, or made in bad faith; and
  - 5.7.3.4 may submit a grievance in a manner consistent with the PSE complainant's applicable collective agreement or grievance policy, as the case may be.

## 5.8 Respondent

- 5.8.1 Respondents can expect:
  - 5.8.1.1 to be informed as soon as practicable that a complaint has been filed alleging harassment, and be provided with the name of the complainant, and a copy of the complaint, once the complaint has been provided to the employee's divisional harassment advisor;
  - 5.8.1.2 a respondent may not be provided with all relevant information if the investigation is subject to considerations under the *Public Servants Disclosure Protection Act*.
  - 5.8.1.3 to be given the opportunity to respond to the complaint, subject to the *RCMP Act*, *Commissioner's Standing Orders*, or applicable Treasury Board policies;

## Investigation and Resolution of Harassment Complaints – 2014-11-14

- 5.8.1.4 to be accompanied by a person of their choice, including but not limited to, a bargaining agent representative or SRR, who has agreed to do so and who is not a party to the complaint, during meetings and interviews related to the investigation and resolution of the complaint;
- 5.8.1.5 to be provided with a copy of their statement in the form recorded by the investigators as soon as practicable, following completion of the statement and to be able to dispute the accuracy of the statement to the investigator within seven days of being provided with the statement, subject to an extension of time proved by the decision maker at the request of the respondent;
- 5.8.1.6 to be provided a copy of the preliminary investigation report, and be afforded an opportunity to respond to the information contained in the preliminary investigation report within seven days of being provided with the preliminary investigation report, unless granted an extension of time by the decision maker, prior to the decision maker rendering a decision;
- 5.8.1.7 to be informed verbally, upon request, and subject to the [Privacy Act](#), if corrective or disciplinary measures are taken against a complainant where a complaint has been found to be frivolous, vexatious, or made in bad faith; and
- 5.8.1.8 to be advised of the status of the harassment investigation and resolution process in writing every 30 days.
- 5.8.2 A respondent who is a member is to be aware that he/she is:
  - 5.8.2.1 subject to the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*[\[LINK\]](#);
  - 5.8.2.2 subject to the Code of Conduct [Link to sec. 19 of new RCMP Regulations – Code of Conduct Schedule] at all times; and
  - 5.8.2.3 entitled to have a decision made in respect of whether a complaint is established, and where applicable, that he/she may be subject to the imposition of conduct measures, in accordance with the decision making procedures applicable to the conduct process outlined under the *RCMP Act*, the *Commissioner's Standing Orders (Conduct)*, and applicable RCMP policies.
- 5.8.3 A respondent who is a PSE is to be aware that he/she:
  - 5.8.3.1 is entitled to have a decision made by the decision maker determined under this Policy in respect of a complaint;
  - 5.8.3.2 may be subject to disciplinary proceedings and the imposition of disciplinary sanctions by their delegated manager if the decision maker determines the complaint to be established; and

## 5.9 Harassment Investigator

5.9.1 A harassment investigator has the responsibility to:

- 5.9.1.1 conduct a harassment investigation as directed by the decision maker through a Harassment Investigation Mandate Letter;
- 5.9.1.2 take statements and gather, examine, and record all relevant facts and material;
- 5.9.1.3 identify gaps in information, identify potential sources of additional information and persons who may be able to supplement or corroborate any of the information obtained, and conduct an appropriate supplementary investigation as required;
- 5.9.1.4 prepare a preliminary investigation report summarizing the salient facts and circumstances of the case for provision to the parties;
- 5.9.1.5 provide a copy of the preliminary investigation report to the parties and afford them an opportunity to respond to the information contained in the report;
- 5.9.1.6 receive submissions from the parties provided in response to the preliminary investigation report, and determine if supplementary investigational steps are appropriate, and if the investigator believes it to be appropriate and necessary, conduct any supplementary investigational steps; and
- 5.9.1.7 if no further investigational steps are believed to be appropriate and necessary, complete a final investigation report, summarize the activities undertaken during the investigation, provide all relevant evidence acquired and materials gathered, and provide the final investigation report containing only the information gathered, with no opinions, editorializing, or recommendations from the investigator, to the decision maker.
  - 5.9.1.7.1 If the decision maker determines that further investigational steps are necessary, conduct an appropriate supplementary investigation as required and provide a copy of the new information acquired to the parties and afford them an opportunity to respond to the new information within seven days of having been provided the information, subject to an extension granted by the decision maker.

## 6 Retaliation

- 6.1 Any employee who believes he/she has been subject to any retaliation as a result of his/her participation in the harassment investigation and resolution process may advise, in writing, his/her supervisor or manager, or where his/her supervisor or manager is the person who is believed to have engaged in retaliatory behaviours, to the next level of management in the employee's chain of command, or to the OCHC.
- 6.2 Upon being advised of a concern of retaliation, the supervisor, manager, or the OCHC, as the case may be, must advise the CO of the division in which the person raising the concern is physically located.
- 6.3 Upon receiving information about alleged retaliation, the CO will cause such review as is necessary to determine the validity of the concerns of retaliation.



- 6.4 Where the person alleged to have committed the retaliation is a member, and where it appears to the CO that retaliation has occurred or is occurring, the CO, acting as the conduct authority in respect of the member alleged to have engaged in retaliation for the purpose of addressing an allegation of retaliation originating from a complaint, will initiate or cause to have initiated a conduct investigation under Part IV of the *RCMP Act*.
- 6.5 Where the person alleged to have committed the retaliation is a member, an investigation in respect of an allegation of retaliation is to be conducted under Part IV of the *RCMP Act*, and is not to be investigated or resolved as a complaint under this Policy.
- 6.6 Where the person alleged to have committed the retaliation is a PSE, the CO must advise the manager with the delegated authority to conduct a disciplinary investigation in respect of the PSE alleged to have engaged in retaliation, and any investigation must be conducted in accordance with applicable policies and procedures.
- 6.7 Where it is necessary to have physical or hierarchical separation of the person bringing forward the concern in respect of retaliation, and the person alleged to have engaged in retaliation, the CO will be responsible for ensuring that such separation is arranged as soon as practicable.
- 6.8 At the completion of an investigation into an allegation of retaliation, the person bringing forward the allegation will be advised of the outcome of the investigation.
- 6.9 Any employee who engages in an act of retaliation against a complainant, respondent, witness, investigator, or decision maker exercising his/her rights and responsibilities under this Policy may be subject to disciplinary or conduct measures up to and including dismissal.

## 7 Informal Resolution Process

- 7.1 Informal resolution is available to parties as a means to resolve a complaint throughout the investigational process, up to the date on which the decision maker provides a final written decision to the parties, or until the date on which a decision maker initiates a conduct board under subsec. 41(1) of the *RCMP Act* [LINK to the Act].
- 7.1.1 The communications that pass among persons involved in the informal resolution process are confidential and without prejudice to those persons, except in accordance with subsec. 5(2) of the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*.
- 7.2 If an informal resolution is achieved, and the decision maker determines, based on the totality of the circumstances, that in the public interest an investigation should nonetheless continue to a final decision and the possible imposition of conduct measures, the decision maker must advise the respondent, the complainant, their respective managers, and the investigators, that the investigation will continue. Since the harassment complaint has been resolved, the investigation will proceed from the date of notification of continuation, in accordance with Part IV of the *RCMP Act*, the *Commissioner's Standing Orders (Conduct)*, and applicable policies.
- 7.2.1 For greater clarity, if the investigation continues, the harassment investigation and resolution process will no longer apply. This means that the parties will no longer be regularly updated regarding the status of the investigation, that the parties will not be provided with a copy of a preliminary investigative report or an opportunity to provide written considerations in respect of the investigative report, or for the complainant to seek redress in respect of the final decision made pursuant to the process under Part IV of the *RCMP Act*.

7.2.2 In spite of sec. 7.2 and sec. 7.2.1, the complainant will still be notified of the final outcome, whether or not a conduct or disciplinary measure was imposed.

## 8 Public Service Employee Grievances in Respect of Workplace Harassment

- 8.1 A PSE may use a grievance process as provided for by his/her collective agreement or terms and conditions of employment policy to submit a grievance against the RCMP for failing to provide a workplace free of harassment or discrimination. For further information in respect of public service employee grievance procedures, see [PSM 2.2](#). (Link to: <http://infoweb.rcmp-grc.gc.ca/rcmpmanuals/eng/psm/2/psm2-2/psm2-2.htm>)
- 8.2 A PSE seeking to present a grievance in respect of an allegation of harassment or discrimination should seek the advice, guidance, and support of his/her bargaining agent.
- 8.3 If a PSE has presented a grievance, he/she is prohibited from making a complaint under this Policy in respect of the same incident or behaviours that form part of the grievance, and precludes the application of this Policy or the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)* [LINK] in respect of a member who is a respondent.
- 8.4 Information obtained during a PSE grievance in respect of harassment may be applied to other administrative procedures intended to investigate or resolve the incident or behavior that resulted in the presentation of the grievances.
- 8.5 Information from an investigation conducted under Part IV of the *RCMP Act* in respect of an incident or behaviours described in a grievance may be provided to, and used by, the Level in making a determination in respect of the grievance.
- 8.6 In spite of sec. 9.3, if a member is identified in a public service grievance submission as having engaged in behaviour that may be established to be a contravention of a provision of the Code of Conduct, the conduct authority in respect of the member may initiate an investigation under Part IV of the *RCMP Act*.
- 8.7 If a manager acting as the Level in a public service grievance process is not a conduct authority in respect of a member who is identified in the grievance as having engaged in behaviours that could be found to be a contravention of the Code of Conduct, the Level may provide the results of any investigation directed by the Level as part of the grievance process, but not the Level's decision, to the conduct authority in respect of the member if the conduct authority has initiated an investigation under Part IV of the *RCMP Act* into those behaviours;
- 8.8 If the Level is a conduct authority in respect of a member alleged to have engaged in behaviour that could be found to be a contravention of the Code of Conduct, that person may initiate an investigation under Part IV of the *RCMP Act*.
- 8.9 If a conduct authority in respect of a member initiates an investigation under Part IV of the *RCMP Act*, except as stated above, the conduct process must proceed separate and apart from the public service grievance.
- 8.10 A grievance under this section will continue as directed by the respective collective agreement and policy separate and apart from any proceedings under Part IV of the *RCMP Act*, except as stated above.
- 8.11 A decision that forms part of a grievance does not constitute a finding under Part IV of the *RCMP Act*.

## 9 Harassment Complaint Investigation and Resolution Process

### 9.1 Complaint by Employee

- 9.1.1 Any employee may submit a complaint in writing, preferably using [form 3919](#), within one year of the last incident of harassment alleged in the complaint, unless extenuating circumstances prevent the complainant from doing so. [LINK to Commissioner Standing Orders Investigation and Resolution of Harassment Complaints sec. 3.(1)]

NOTE: It is preferred that an employee use [form 3919](#), since the form has been specifically designed to assist an employee in formulating his/her complaint, identifying the elements of the complaint that are necessary for a decision maker to make a determination in respect of a complaint, and to provide for consistency in the manner in which complaints are initiated. If an employee is unable to use [form 3919](#), a complaint may be submitted in writing to the OCHC in an alternative format, as long as the necessary information identified in this Policy is included. The OCHC may request an employee to transfer a written complaint onto [form 3919](#) for reasons of expediency and effective administration of a harassment investigation and resolution process.

- 9.1.2 The decision maker may, at the request of the complainant, extend the time limit for the submission of a complaint if extenuating circumstances are present. [LINK to *Commissioner Standing Orders (Investigation and Resolution of Harassment Complaints)* sec. 2.(2)]

- 9.2 A complaint should be as precise and concise as possible, and must include:

- 9.2.1 the nature of the allegations;
  - 9.2.2 the name of the respondent;
  - 9.2.3 the relationship between the respondent and the complainant, e.g. supervisor, colleague;
  - 9.2.4 the dates, times, and locations of incidents;
  - 9.2.5 a description of any incidents alleged to be harassing in nature;
  - 9.2.6 any efforts undertaken by the complainant to resolve the situation;
  - 9.2.7 any potential witnesses; and
  - 9.2.8 where the last incident identified in the complaint occurred more than one year before the submission of the complaint, an explanation as to the timing of the submission of the complaint.
- 9.3 If a complaint identifies more than one respondent, the complainant must use a separate [form 3919](#) or submit separate complaints in respect of each respondent.
- 9.4 All complaints are to be submitted to the OCHC at [OfficeHarassmentComplaints-BureauPlaintesHarcelement] or forwarded through internal mail to The OIC Employment Relations Section, Mailstop 47, 73 Leikin Drive, Ottawa, ON K1A 0R2.

- 9.5 If an employee submits a complaint to a supervisor, manager, or other employee, that supervisor, manager, or other employee must forward the complaint to the OCHC without delay.
- 9.6 All complaints received by the OCHC will be acknowledged in writing to the complainant without delay, and no later than seven days following the day on which the complaint was received by the OCHC through e-mail or internal mail.
- 9.7 The complainant may withdraw the complaint at any time.
- 9.7.1 Notwithstanding that a complainant elects to withdraw a complaint, the RCMP retains the discretion to take such other action in respect of the conduct of any employees identified through the complaint as may be appropriate, given the totality of the circumstances, but not including initiating a harassment investigation and resolution process under this Policy or the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*.
- 9.8 Complaint Received Through Representative
- 9.8.1 If an employee who is unable to submit a complaint seeks to have a complaint submitted, the employee may enable a representative to complete and submit a complaint by providing the representative with sufficient details that would allow the representative to prepare a complaint for submission to the OCHC.
- 9.8.2 The representative may only submit the complaint to the OCHC if the employee seeking to have a complaint submitted by the representative provides written authorization to the representative to submit the complaint as the complainant's representative. The authorization may be provided in writing or electronic format to the OCHC.
- 9.8.3 Upon receipt of a complaint from a representative, the OCHC will follow the same process outlined in sec. 11.

## 10 Intake Procedures

- 10.1 Upon receipt of a complaint, the Director of the OCHC will assign a harassment reviewer, who will:
- 10.1.1 confirm with the complainant that the complaint has been received; and
- 10.1.2 review the complaint to determine if all the required information outlined in sec 9.2 is included in the complaint; and
- 10.1.3 If the complaint contains the necessary information, the harassment reviewer will forward the complaint as received and any recommendations the harassment reviewer believes relevant and necessary to the decision maker and the harassment advisor located in the division in which the respondent is physically posted, for the decision maker to determine what further action, if any, is required; or
- 10.1.4 If additional information is required the harassment reviewer will contact the complainant, in order to obtain the required information and the complainant must provide the information within seven days of the request received from harassment reviewer. A request may be made in writing through e-mail, internal mail, in person, or by telephone.

## Investigation and Resolution of Harassment Complaints – 2014-11-14

- 10.1.4.1 Where a request is made in person or by the telephone, the seven-day time period is deemed to have commenced on the date and time noted by the harassment reviewer in the harassment and investigation and resolution file as determined by the date and time on which the request was made.
- 10.1.4.2 Once the additional information has been received, the harassment reviewer will forward the complaint and any recommendations the harassment reviewer believes relevant and necessary to the decision maker and harassment advisor located in the division in which the respondent is physically posted, for the decision maker to determine what further action, if any, is required.
- 10.2 Following receipt of the complaint from the harassment reviewer, the harassment advisor will review the complaint, assess if informal resolution processes are appropriate and send recommendations for consideration to the decision maker in respect of continuing with the harassment investigation and resolution process.
- 10.3 The decision maker will review the complaint and the submissions accompanying the complaint, and will:
  - 10.3.1 Determine if the complaint has been submitted within the time limit or if an extension to the time limitation is to be granted; and
  - 10.3.2 If the decision maker determines the complaint was submitted outside the time limit, a final written decision will be provided to the parties and their respective managers/supervisors as soon as feasible. The decision will include a statement of findings and reasons for the decision; or
  - 10.3.3 Mandate an investigation in accordance with this Policy or the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*.
- 10.4 If informal resolution processes are supported by the decision maker, the harassment advisor will contact the complainant and respondent to determine if they are willing to pursue this option. If the parties are in agreement with pursuing informal resolution, the decision maker will notify the parties in writing that the harassment investigation and resolution process will be put in abeyance, pending the outcome of informal resolution, and refer the parties to the Informal Conflict Management Program Policy. See [HSM ch. III.3](http://infoweb.rcmp-grc.gc.ca/manuals-manuels/national/hsm-mss/3/3-3-eng.htm) [LINK to ICMP policy: <http://infoweb.rcmp-grc.gc.ca/manuals-manuels/national/hsm-mss/3/3-3-eng.htm>].
  - 10.4.1 Informal resolution may be attempted by the parties until a decision maker provides a final written decision in respect of the complaint, imposes a conduct measure against a member respondent as provided for under Part IV of the *RCMP Act*, or initiates a conduct hearing under subsec. 41(1) of the *RCMP Act*.
  - 10.4.2 If the parties are unable to complete informal resolution processes within 30 days following the day on which the decision maker advised the parties the harassment investigation and resolution process was being put in abeyance pending the outcome of the informal resolution process, the parties may, through a joint written request seek additional time to continue to pursue an informal resolution. If the decision maker believes that further delay may result in a successful resolution without an investigation, the decision maker may continue to hold the harassment investigation and resolution process in abeyance for a further period of time, to a maximum of 30 days.

NOTE: The decision maker must advise the parties in writing stipulating the additional time during which the harassment investigation and resolution process is to be held in abeyance

10.4.3 If either of the parties is no longer willing to pursue informal resolution, or if, after having commenced efforts to seek informal resolution, one of the parties advises the decision maker in writing that he/she is no longer willing to continue the informal resolution efforts, the decision maker must advise the parties in writing that the informal resolution efforts will cease, and that the harassment investigation and resolution process will proceed.

## **11 Harassment Investigation Process**

11.1 The harassment advisor will inform the respondent, the complainant, and their respective managers that a complaint has been received, and provide to the parties a copy of the complaint, an information package as referenced in sec 11.1.6 in respect of the investigation and resolution process, the Harassment Investigation Mandate Letter, and such other information or material that forms part of the complaint, or that may be necessary to initiate a harassment investigation and resolution process.

11.1.1 The Harassment Investigation Mandate Letter will state the allegations to be investigated, and identify the investigators.

11.1.1.1 The decision maker may mandate one investigator to conduct the investigation where the scope of the investigation is limited to gathering additional information only from the parties and no other interviews or gathering of information is required.

11.1.1.2 Where the scope of the investigation is broader two investigators should be mandated.

11.1.2 Where possible, the investigative team should be representative of the parties involved.

11.1.3 In the case where there is more than one investigator, one of the investigators will lead the investigation.

### **11.1.4 Recusal of Decision Maker**

11.1.4.1 If, after the parties receive the materials described in sec. 1.1, the complainant or respondent objects to the identity of the decision maker, the objecting party may submit a request in writing to the decision maker as soon as practicable, requesting that the decision maker recuse him/herself.

11.1.4.2 The decision maker will decide if the request will be granted or denied, and will provide written reasons in support of the decision, which will be provided to both parties.

11.1.4.3 If the decision maker grants the request, the decision maker will make a written request to the Professional Responsibility Officer, asking that an alternate decision maker be designated.

11.1.4.4 Nothing in this Policy interferes with the application of sec. 44 of the *RCMP Act*.

### **11.1.5 Recusal of Investigator**

11.1.5.1 If, after the parties receive the materials described in sec. 11.1, the complainant and/or the respondent may object to the identity of an investigator, by submitting an objection in writing to the decision maker as soon as practicable.

11.1.5.2 The decision maker will decide if the objection will be upheld or denied, and will provide written reasons in support of the decision, which will be provided to the parties; and

- 11.1.5.3 If the decision maker accepts the objection in relation to the harassment investigators, the decision maker will name alternate investigators in an amended Harassment Investigation Mandate Letter.
- 11.1.6 The information package, as referenced in sec. 11.1, will include:
  - 11.1.6.1 details on how to access support services for pursuing opportunities for informal resolution;
  - 11.1.6.2 the identification of sources of support, the Employee Assistance Program (EAP), Labour Relations, ICMP, bargaining agent representatives, SRRs;
  - 11.1.6.3 a description of the process that will be followed during the implementation of the harassment investigation and resolution process;
  - 11.1.6.4 an explanation of the confidentiality requirements and the possible consequences of failing to respect these requirements; and
  - 11.1.6.5 information in respect of the possible consequences for either party in the event that there is an established allegation of retribution or retaliation.
- 11.2 Statements taken during the investigation must be in writing or recorded using electronic means, at the discretion of the investigators.
- 11.3 Witnesses must be advised that their statement may form part of a conduct or disciplinary proceeding, in which case the statement may be open to release as part of disclosure requirements under those proceedings, and the witnesses may be required to give evidence under oath on the basis of their statement.
- 11.4 The complainant and the respondent will be provided with a copy of their statement in the format in which it was made by the investigators immediately following the taking of the statement.
  - 11.4.1 If the complainant or respondent identify concerns with the accuracy of their statement, the concerned party must identify their concerns in writing to the investigator and confirm the accuracy of the statement within seven days of being provided with a copy of their statement. Confirmation is obtained by signing the statement when it is in written form, or by confirming the accuracy in writing, when the statement is in electronic format.
  - 11.4.2 If no concerns are identified by the complainant or respondent in respect of the accuracy of their statement within seven days of being provided with a copy of their statement, and no extension has been provided, the statement will be deemed to be considered accurate by the decision maker.
  - 11.4.3 The decision maker may grant an extension of time based on the written request of a party in respect of sec. 12.3.2 if extenuating circumstances are present.
- 11.5 If the decision maker becomes aware of new information that a member may have contravened the Code of Conduct and that information was not captured in the original Harassment Investigation Mandate Letter, the decision maker may issue an amended Harassment Investigation Mandate Letter if the new information forms part of the original complaint, or initiate a separate investigation under Part IV of the *RCMP Act*.

11.6 Unless otherwise directed by the decision maker, costs associated to the investigation and resolution of harassment complaints process are to be borne by the respondent's home unit. .

## **12 Preliminary Investigation Report**

12.1 The investigators will prepare a preliminary investigation report when they are satisfied that the mandate of the investigation has been met and must provide a copy of the preliminary investigation report to the parties.

12.2 The preliminary investigation report will provide a summary of the facts obtained during the investigation, a list of the witnesses interviewed, materials reviewed, and any other information the investigators deem as necessary to provide the parties with relevant and necessary information sufficient for the parties to provide a response to the preliminary results of the investigation, if the parties so choose.

12.3 The parties may respond to the preliminary investigation report by providing a written response to the investigators, and if either of the parties seeks to respond, the response must be submitted within seven days of the responding party being provided the preliminary investigation report.

12.3.1 A party may submit a request for an extension of the time limitation to the decision maker.

12.3.2 The decision maker may extend the time up to a maximum of seven additional days, or deny the request for an extension.

12.3.3 If the decision maker denies the request for an extension, the process outlined in this Policy will continue uninterrupted.

12.4 The investigators will consider any representations made to them in writing by the parties, and will determine if additional investigative steps, corrections, or changes are appropriate or necessary.

12.5 If, in the opinion of the investigators, supplementary investigatory steps are not required, the investigators will prepare a final investigation report and submit it to the decision maker through the harassment advisor.

12.6 If the investigators consider that a supplementary investigation is appropriate or necessary, the investigators will complete those further steps, following which they will prepare a final investigation report and submit it to the decision maker through the harassment advisor.

## **13 Final Investigation Report**

13.1 The final investigation report will contain all of the relevant materials and information gathered by the investigators, including but not limited to, witness statements, submissions from the complainant and respondent, and/or agreements entered into as a result of informal resolution efforts.

13.2 The investigators must not include an opinion as to the veracity of the allegations; this is a decision for the decision maker alone. The final investigation report must provide only the information gathered, with no opinions, editorializing, or recommendations from the investigators.



### 13.3 Member Respondent

13.3.1 Upon receipt of the final investigation report by the decision maker, the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)* will apply in respect of the making of a decision by the decision maker.

13.3.2 The decision maker in respect of the complaint is designated as the conduct authority in respect of the member under subsec. 2(3) of the *RCMP Act*, and has the authorities provided for under the *RCMP Act* and the *Commissioner's Standing Orders (Conduct)*.

13.3.3 A member respondent has the rights and responsibilities provided to members under the *RCMP Act* and the *Commissioner's Standing Orders (Conduct)*. [Link]

### 13.4 Public Service Employee Respondent

13.4.1 Upon receipt of the final investigation report, the decision maker will review the report, and decide if the complaint is established on a balance of probabilities.

13.4.2 The decision maker must provide a copy of the final written decision to the parties and the respondent's delegated manager.

13.4.3 The respondent's delegated manager will assume responsibility for determining if disciplinary action against the respondent is warranted.

## 14 Final Written Decision

14.1 The final decision must include a statement of the decision maker's findings, reasons for the decision, how the decision maker considered any submissions of the parties, findings in respect of the credibility, whether the respondent was subject of the imposition of discipline or conduct measures (although the quantum of the measures imposed will not be provided to the complainant) and any other information the decision maker believes is necessary to set out the reasons for the decision.

## 15 Recourse

15.1 Upon the provision of the final decision in writing that disposes of the complaint, a PSE complainant or respondent may present a grievance as provided for under the applicable grievance process, and a member complainant or respondent may submit an appeal as provided for under the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)* and the *Commissioner's Standing Orders (Grievances and Appeals)*.

## 16 Conclusion

16.1 The case file will be concluded by the harassment advisor following the provision of the decision to the parties, and the OCHC will be informed by the harassment advisor through ACMT.

16.2 The OCHC must review the ACMT file to ensure that the file has been appropriately recorded and all relevant data captured.

## 17 Alternative Complaint Procedures

- 17.1 Subject to the [Public Service Labour Relations Act](#), if harassment is based on one of the grounds of discrimination prohibited under the [Canadian Human Rights Act](#), an employee has the right to file a complaint with the Canadian Human Rights Commission.
- 17.2 If applicable, an employee may make a complaint under the [Canada Labour Code Regulations, Part XX](#). [Link to: <http://laws-lois.justice.gc.ca/eng/acts/L-2/index.html>]
- 17.3 If applicable, an employee may make a disclosure as provided for under the *Public Servant Disclosure Protection Act*.

## 18 Data Entry and Case Management

- 18.1 ACMT must be used for case management of harassment complaints.
- 18.2 ACMT will provide the OCHC with the mechanism to meet reporting requirements, including but not limited to, statistical information related to the number and class of formal complaints, their disposition, the measures implemented to restore workplace wellness, and any other information as may be required.
- 18.3 The DG, Workplace Responsibility Branch, is responsible for ensuring compliance relating to this Policy.
- 18.4 The OCHC will provide an annual report to the DG, identifying the number of complaints received in that calendar year, the disposition of the complaints, the number of appeals and disposition of appeals, and identify any issues in respect of the manner in which the Policy has been applied.
- 18.5 The DG will provide an annual report to the Professional Responsibility Officer and will include such recommendations as the DG deems appropriate, or as requested by the Professional Responsibility Officer in respect of possible amendments to the practices and procedures contained in this Policy and the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*.

## References

- [AM XII.4, Code of Conduct \(Part IV\) Investigations](#)
- [AM XII.6, Discipline](#)
- [Criminal Code of Canada](#)
- [Treasury Board, Collective Agreements](#)
- [Treasury Board, Directive on the Harassment Complaint Process](#)
- [Treasury Board, Policy on Terms and Conditions of Employment](#)
- [Treasury Board, Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace](#)
- [Process Guide - Investigation and Resolution of Harassment Complaints](#)
- [National Guidebook - Investigation and Resolution of Harassment Complaints](#)

**AM – App. XII 15-1 Statement - Public Service Employee Respondent**

Statement of : [name of member]

Location: [location]

HRMIS #:

Date:

Time:

I, [*name and rank of investigating officer*], am conducting a harassment investigation pursuant to the RCMP Administration Manual [Investigation and Resolution of Harassment Complaints] to determine whether you have contravened or are contravening the Harassment Investigation and Resolution Policy.

It is alleged that:

[*describe allegation*]

You are not required to provide any statement or answer any questions regarding this allegation. Any statement that you make, or answer that you give, may be used in administrative proceeding involving you or in any criminal, civil, or administrative proceedings, or for any other purpose.

You may consult with private legal counsel at your own expense, a Union Representative, or other person of your choosing.

Be advised if you make any false or misleading statements, you can be subject to further disciplinary proceedings or other proceedings.

Do you understand? \_\_\_\_\_ Yes \_\_\_\_\_ No

Do you wish to provide a statement? \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
Signature of PSE Respondent

\_\_\_\_\_  
Signature of Investigator

**AM – XII-15-2 Witness Statement - Investigation and Resolution of Harassment Complaint**

Statement of : (witness name)

Location: (location)

Regimental # or HRMIS #: (Reg # or HRMIS #)

COE/Rank: (PSE or Rank)

Date: (date)

Time: (time)

I, (name and rank of investigating officer), am conducting a harassment investigation pursuant to sec. 40 in Part IV of the *RCMP Act* AM XX, Investigation and Resolution of Harassment Complaints (PSE Respondent) to determine whether (name of member) has contravened or is contravening the Code of Conduct or AM XX, Investigation and Resolution of Harassment.

It is alleged that:

(describe allegation)

Any statement that you make or answer that you give can be used for the purposes of Part IV of the *RCMP Act*, or for use in any criminal, civil or administrative proceedings, or for any other purpose.

Do you understand?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Investigating Officer

**AM – App. XII-15-3 – Investigation Mandate Letter - Investigation and Resolution of Harassment Complaints  
(Member Respondent)**

To: [Name of Investigator(s)]

From: [Decision Maker]

Date: YYYY/MM/DD

It has been brought to my attention that [rank & name of subject member], Reg # [regimental number] is alleged to have conducted himself/herself in a manner that, if proven, would be in contravention of the Code of Conduct. Accordingly, pursuant to the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*, I am mandating that you commence a harassment investigation and resolution process, and authorize you to investigate whether [rank & name of subject member] has failed to treat others with respect and courtesy, or has engaged in discrimination or harassment, which, if established, may be found to be contravention of a provision of the Code of Conduct:

Allegation 1: On or about YYYY-MM-DD]/or between [YYYY-MM-DD to YYYY-MM-DD], [rank & name of subject member] did (list particulars). It is therefore alleged that [rank & name of subject member] has failed to treat others with respect and courtesy, or has engaged in discrimination or harassment, contrary to section 2 of the Code of Conduct.

A copy of this Order is being provided to [rank & name of respondent member] to give him/her the opportunity to review his/her rights and obligations as outlined in policy on the Investigation and Resolution of Harassment Complaints and the *Commissioner's Standing Orders (Investigation and Resolution of Harassment Complaints)*, and the Conduct Management Policy and the *Commissioner's Standing Orders (Conduct)*.

A copy of this Order is also being provided to [name of complainant] to give him/her the opportunity to review his/her rights and obligations as outlined in AM XII.15 [policy on the Investigation and Resolution of Harassment Complaints]

*Decision Maker*

**AM – App. XII-15-4 – Investigation Mandate Letter - Investigation and Resolution of Harassment Complaints  
(Public Service Employee Respondent)**

To: [Name of investigator(s)]

From: [Name of Decision Maker]

Date: YYYY/MM/DD

It has been brought to my attention that [name of Public Service Employee], HRMIS # is alleged to have conducted himself/herself in a manner that, if proven, would be in contravention of the Administration Manual XXX, Investigation and Resolution of Harassment Complaints. Accordingly, pursuant to section 11 of the RCMP Administration Manual Harassment Investigation and Resolution of Harassment Process, I am ordering an investigation and authorize you to investigate whether [name of Public Service Employee] has committed the following contravention to Administration Manual XXX:

Allegation 1: On or about [YYYY-MM-DD]/or between [YYYY-MM-DD to YYYY-MM-DD], [name of public service employee] did (list particulars). It is therefore alleged that [name of public service employee] has engaged in harassment contrary to Administration Manual X Harassment Investigation and Resolution of Harassment Process.

A copy of this Order is being provided to [name of public service employee respondent] to give him/her the opportunity to review his/her rights and obligations.

A copy of this Order is being provided to [name of complainant] to give him/her the opportunity to review his/her rights and obligations.

*Decision Maker*

**AM – App. XII-15-5 Investigation Report – Investigation and Resolution of Harassment Complaints**

*The Report should include the following headings:*

**Investigation and Resolution of Harassment Complaints Investigation Report**

To: [*Decision Maker/Conduct Authority/Conduct Board*]

From: [*Investigator*]

On [*insert date*], the Professional Conduct Unit received a request from [*insert name & title*], the decision maker requesting an investigation into allegation(s) of contravention of the Code of Conduct on the part of [*member respondent or PSE respondent*] (Investigation Mandate Letter - Investigation and Resolution of Harassment Complaints attached) or contravention of AM XII-15, Investigation and Resolution of Harassment Complaints.

Background... [*insert background of the investigation (what lead the decision maker to order a harassment investigation e.g. events that gave rise to the complaint, name of complainant, implicated employees, etc.)*]

Allegations [*as they appear on the Investigation and Resolution of Harassment Investigation Mandate Letter*]

Particulars of each allegation(s)

List all persons interviewed and provide statements

Reports/Material attached [*appendices*]

Summary of the investigation [*summarize all investigative steps*].

**AM – App. XII-15-6 Record of Decision Orders - Investigation and Resolution of Harassment Complaints**

**Alleged contravention(s) of the Commissioner’s Standing Orders (Investigation and Resolution of Harassment Complaints)**

*[insert each alleged contravention of the Code of Conduct (Member) or Administration Manual Public Service Employee examined as per AM – App. XII-15-15, Notice of Conduct Meeting (Member Respondent) or AM App. XII-15-13, Investigation and Resolution of Harassment Complaints Mandate Letter (Public Service Employee Respondent)]*

*[insert particulars for each allegation]*

*[insert date when the identity of the member or employee as the one who is alleged to have committed the contravention became known to the conduct authority(member) or decision maker (PSE) that investigated the contravention or caused it to be investigated]*

*[insert date the investigation report was received by the decision maker]*

**Findings**

*[insert findings for each allegation and the reasons in support of the determination as to whether or not the member contravened a provision of the Code of Conduct]*

**Conduct measure(s) (if any)**

*[insert aggravating and mitigating circumstances considered]*

*[list the conduct measure(s) or disciplinary measure imposed and the reasons in support and provide an outline of any terms that accompany the measures taken (i.e, administrative details behind such measure)]*



**AM – App. XII-15-7 Request for the Recusal of a Decision Maker or Objection to an Investigator  
(Subject member or Public Service Employee)**

Security Designation	File No.

Complainant or Respondent			
Last Name	Given name(s)	Rank	HRMIS No
Address	Telephone	e-mail	Preferred Language French    English

<input type="checkbox"/> Decision Maker	<input type="checkbox"/> Investigator
Date (YYYY-MM-DD)	
Date complainant or respondent advised of decision maker or investigator	
Date request or objection was received by the Decision Maker	

Note: A member may not present a grievance under Part III of the Act in respect of an allegation of harassment. A member who is a complainant or respondent may submit an appeal under the Commissioner’s Standing Orders (Grievances and Appeals) only in respect of a final decision served on the parties by the decision maker.

Decision Maker			
Last Name	Given Name(s)	Rank	Title
Address	Telephone	e-mail	Decision Maker designation Expiration date (YYYY-MM-DD)

Findings

Signature Block		
<Insert DM name>	Decision Maker’s signature	Date (YYYY-MM-DD)

**AM – App. XII-15-8 Informal Resolution Process**

			Security Designation	File No.
<b>Complainant or Respondent</b>				
Last Name	Given name(s)	Rank	HRMIS No	
Address	Telephone	e-mail	Preferred Language <input type="checkbox"/> French <input type="checkbox"/> English	
<b>Complainant or Respondent</b>				
Last Name	Given name(s)	Rank	HRMIS No	
Address	Telephone	e-mail	Preferred Language <input type="checkbox"/> French <input type="checkbox"/> English	
Request:		Indicate date you submitted your request		Date: (YYYY-MM-DD)
<input type="checkbox"/> We (Complainant and Respondent) request a 30 day extension of informal resolution <input type="checkbox"/> I no longer wish to pursue informal resolution, request the investigation process continue <input type="checkbox"/> I withdraw my written complaint as informal resolution was successful (Complainant only)				
<Provide support for your request>				
<b>Decision Maker</b>				
Last Name	Given Name(s)	Rank	Title	
Address	Telephone	e-mail	Decision Maker designation Expiration date (YYYY-MM-DD)	
<b>Findings</b>				
<insert decision for request and the reasons in support or denial of the request>				
<b>Signature Block</b>				
<Insert name>		<Signature>		Date (YYYY-MM-DD)
<b>Signature Block</b>				

<Insert name>	<Signature>	Date (YYYY-MM-DD)
Signature Block		
<Insert name>	<Signature>	Date (YYYY-MM-DD)