**WARNING**

**In accordance with National Defence Security Orders and Directives (NDSOD), form Response to Responding Party Regarding a Notice of Occurrence is "Protected B" information once completed.**

**Completed "Protected B" forms MUST NOT BE SAVED UNENCRYPTED on any network and workstation drive or storage media. "Protected B" forms, when completed, MUST BE ENCRYPTED USING THE DND ISSUED PKI SMARTCARD. Failure to respect this requirement will result in a breach of security and administrative measures shall be applied in accordance with the policy.**

**INSTRUCTIONS**

**All texts highlighted in yellow with brackets are to indicate required fields prior to signing and sending.**

**Response to Responding Party Regarding a Notice of Occurrence**

[Enter date]

[Enter file number as required, (i.e 5085 if CAF member and 6007 if DND civilian)]

[Enter name of responding party]

This letter confirms the receipt of a Notice of Occurrence (NoO) of alleged workplace harassment and violence on [date received]; where you have been named as a responding party, which means the person who is alleged to have been responsible for the occurrence. As the Chain of Command (CoC)/manager I will be facilitating this NoO as per the Department of National Defence’s (DND) and the Canadian Armed Forces (CAF) [Workplace Harassment and violence Prevention (WHVP) Policy manual](https://www.canada.ca/en/department-national-defence/corporate/policies-standards/workplace-harassment-and-violence-prevention-policy-manual.html) and [DAOD 5014-0](https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5014/5014-0-workplace-harassment-and-violence-prevention.html).

Firstly, I recognize that it might be difficult to receive this news. I would like to emphasize that the primary purpose of this process is to create an opportunity to understand the occurrence and its impacts in greater detail to prevent future occurrences. To this end, your participation is very important. You may also consult the [reporting and resolution process for responding parties’ webpage.](https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/new-workplace-harassment-and-violence-prevention-regulations-for-defence-team-public-servants-bill-c65/process-for-reporting-harassment-or-violence-in-the-workplace/workplace-harassment-and-violence-prevention-whvp-reporting-and-resolution-process-for-responding-parties-of-the-defence-team.html)

**[Delete the following part if not appropriate according to the notice of occurrence or resolution process]**

The following information contains an overview of the occurrence:

**[Add factual information: who, what, where? or obtain a summary confirmation from the principal party. Add original date of the named occurrence. Do not copy and paste the notice of occurrence]**

As per the policy manual, the principal party (which means a DND employee(s) or CAF member(s) who submitted a Notice of Occurrence) has several options available to them for seeking resolution of the occurrence, which include negotiated resolution, conciliation/Alternative Dispute Resolution (ADR), and/or a WHVP investigation. A detailed description of each step of the resolution process can be found in the [Annex](#_Annex_Notice_of_1) to this letter.

Since the NoO was submitted, I have been facilitating the process with the principal party. As this process is principal party led, they are now ready to invite your participation in the [negotiated resolution, conciliation/ADR, and/or a WHVP investigation] process. While negotiated resolution is emphasized as a first step, in the case where that step does not resolve the occurrence, the principal party will have a choice to decide on the next step for resolution, which could be conciliation/ADR and/or WHVP investigation. I will also provide you with monthly updates regarding the progress of the file.

During the [negotiated resolution, conciliation/ADR, and/or WHVP investigation] process you have the right to have a [support person](https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/new-workplace-harassment-and-violence-prevention-regulations-for-defence-team-public-servants-bill-c65/tools-templates/support-person-fact-sheet.html) such as a colleague, friend, or family member (anyone who is not a party or witness in this process). If you would like to exercise this right, please advise me of the name and role of this person.

 If at any point you require personal support, please contact the following [support services.](https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/conflict-harassment/support-services.html)

If you have any further questions or concerns, please do not hesitate to call, or email me, I would be happy to address them with you.

Sincerely,

**[Enter digital signature once saved as a PDF]**

# Annex Notice of Occurrence

# Privacy and Confidentiality

Privacy and confidentiality must be maintained throughout the process. Information about the occurrence and resolution must remain confidential and not be disclosed to colleagues.

To encourage reporting workplace harassment and violence, complaints will be handled with utmost sensitivity and discretion. Trust and safety are paramount. The information provided in a NoO will be read by the Chief of Professional Conduct and Culture (CPCC) WHVP Center of Expertise (CoE) and CoC/Manager. If the resolution process proceeds to conciliation/ADR or WHVP investigation, a summary of the NoO will be shared with the conciliator/ADR practitioner or a WHVP investigator. The NoO will also be shared with the responding party and may be shared with witnesses if the resolution process proceeds to a WHVP investigation. In limited and specific situations, your personal information may be disclosed without your consent in accordance with subsection 8(2) of the *Privacy Act*.

All parties must respect privacy and confidentiality, disclosing information must be in keeping with the need-to-know principle. The need-to-know principle restricts access to sensitive information (NoO related information) to those whose duties require such access; that is, to those who need to know the information. Full privacy protection may not always be possible due to legal obligations and principles of natural justice and procedural fairness.

If confidentiality is breached, inform the CoC/manager immediately. The CoC/manager should then refer to appropriate [disciplinary and/or administrative measures.](#_Disciplinary_and/or_Administrative)

# Roles and Responsibilities

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| **Principal Party (PP) and Responding Party (RP) (if notified)*** Collaborate, communicate, and engage with the parties involved in the resolution process.
* Make every reasonable effort to resolve an occurrence of harassment and violence for which a Notice of Occurrence is submitted.
* Propose and engage in preventive measures that will respond to occurrences related to workplace harassment and violence.
* Cooperate with an investigator and the investigation process.
* Respect the confidentiality of the information shared throughout the resolution process.
* Refrain from perpetrating harassment and violence.
* Refrain from real or perceived retaliatory behaviour against involved parties and any other individuals involved in the resolution process of an occurrence.
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| **Program Officer (PO)*** Assigned through the WHVP Center of Expertise.
* Provides support and guidance to the CoC/manager in responding to and resolving the NoO.
* Provides the CoC/manager reminders to send monthly updates to principal party (and responding party, if involved).
* Collaborates with WHVP Investigation Coordinator should a WHVP investigation be initiated.
* Tracks and monitors the progress of the NoO.
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| **Chain of Command (CoC)/Manager (employer)*** Advise the WHVP CoE within seven calendar days when a NoO is received within their area of responsibility.
* Respect the confidentiality of the information shared throughout the resolution process the occurrence must be in keeping with the *need-to-know principle*.
* Make every reasonable effort to resolve an occurrence of harassment and violence through negotiated resolution.
* Implement preventive measures derived from negotiated resolution and conciliation as well as any additional preventive measures warranted.
* Cooperate with an investigator and the investigation process.
* Refrain from real or perceived retaliatory behaviour against the PP, RP, witnesses and any other individuals involved in the resolution of an occurrence.
* Support employees affected by workplace harassment and violence
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# WHVP resolution Process Options for the Principal Party

There are three options available to the principal party under the WHVP resolution process. Efforts to resolve the occurrence must begin no later than 45 days after the notice was received. The Chain of Command/manager, principal party and responding party (if contacted), **must make every reasonable effort to resolve an occurrence during the negotiated resolution stage.**

## Option 1: Negotiated Resolution

**Joint Review**

The principal party and CoC/manager will conduct a review to determine whether the Notice of Occurrence describes an action, conduct or comment that constitutes harassment and violence defined as: “any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee/member, including any prescribed action, conduct or comment”. This also includes any behaviours based on the prohibited grounds of discrimination identified in the [Canadian Human Rights Act](https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html).

To assist in the interpretation of the definition of harassment and violence, please consult the [Negative Behaviours Matrix.](https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/new-workplace-harassment-and-violence-prevention-regulations-for-defence-team-public-servants-bill-c65/negative-behaviours-continuum.html)

1. if both the CoC/manager and the principal party agree that the occurrence does not fall within the definition of harassment and violence, then the occurrence will be deemed resolved. However, parties may continue to work together to find an informal resolution to address the situation.
2. if the CoC/manager does not believe that the occurrence falls within the definition of harassment and violence, but the principal party disagrees and wishes to continue with the resolution process, the principal party has the option of:
	1. continuing to work with the CoC/manager and making every reasonable effort to reach a negotiated resolution;
	2. pursuing conciliation/ADR; and/or
	3. requesting a WHVP investigation.
3. if both the CoC/manager and the principal party agree that the occurrence meets the definition, the parties may continue with the resolution process.

**Initiate Negotiated Resolution**

After the joint review, the CoC/manager and the principal party must make reasonable effort to reach a negotiated resolution. This allows the principal party the opportunity to propose preventive measures to resolve the occurrence to promote a safe workplace.

Resolutions are **tangible actions** the CoC/manager can implement to prevent further harassment and violence within the workplace. These measures are considered mitigation steps to ensure the principal party feels safe and comfortable at work. During the negotiated resolution, the principal party and the CoC/manager will collaboratively negotiate measures to address the occurrence.

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| Negotiated Resolution **is** an opportunity to:* share the harassment and/or violence experience and its impact.
* share tangible measures that can be implemented to resolve and prevent further occurrences.
* negotiate a resolution in a collaborative way.
* respond to and prevent harassment and violence in the workplace.
* restore and mend the relationship between parties involved.

\* See resolution options below |

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| Negotiated Resolution **is not** an opportunity to:* accuse, confront or discipline.
* make a request that does not fall in line with responding or preventing the occurrence.
* make orders through confrontation.
* resolve other issues (Ex: classification issues, collective agreement, letter of expectations, performance management, etc.).
* make unreasonable requests

\* See resolution options below |

Below are examples of what are and what are not considered resolutions within the WHVP policy manual.

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| What **is** a WHVP Resolution:**Workplace training regarding:** * Communication,
* Conflict resolution,
* WHVP, etc.

The WHVP Center of Expertise can propose training according to a specific occurrence as well as propose a training plan. **Workplace design:** * Change office location,
* Review workload,
* Access to building, etc.

**Administrative practices:*** Conduct a [WHVP Assessment,](https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/new-workplace-harassment-and-violence-prevention-regulations-for-defence-team-public-servants-bill-c65/workplace-assessments.html)
* Implementing stronger internal procedures,
* Establish roles and responsibilities,
* Review of internal procedures, etc.
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| What **is not** a WHVP Resolution:* Monetary compensation
* Vacation days
* Request that involves prescribed action against the responding party i.e. have the responding party dismissed

*(See below note regarding* [*disciplinary/administrative*](#_Disciplinary_and/or_Administrative) *measures)* |

If workplace accommodation is needed, a request can be initiated through the [Office of Disability Management](https://www.canada.ca/en/department-national-defence/programs/office-disability-management.html) or [CF Health Services](https://www.canada.ca/en/department-national-defence/services/benefits-military/health-support.html), as a separate but parallel process.

If the principal party comes to an agreement with the CoC/manager (and the responding party, if included in these meetings) through a negotiated resolution then the occurrence is deemed resolved and the file is closed.

If the principal party finds the measures insufficient, they can propose additional options to the CoC/manager. If no appropriate measures are proposed, a WHVP assessment will be conducted, and the file will be closed.

If no agreement is reached, the principal party can request conciliation/ADR or a WHVP investigation. Both processes can occur simultaneously until either a resolution is reached through conciliation/ADR or the investigation’s report is completed.

## Option 2: Conciliation/Alternative Dispute Resolution (ADR)

Conciliation is facilitated through Alternative Dispute Resolution (ADR) by a qualified practitioner from [Conflict and Complaint Management Services](https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/conflict-solutions-services/centres.html). This voluntary, informal and confidential process involves a neutral practitioner helping parties find a satisfactory resolution.

Conciliation/ADR for occurrences of harassment and violence can only proceed if involved parties agree to participate and on the facilitator. If conciliation/ADR cannot proceed or is unsuccessful, the principal party can return to negotiated resolution or request a WHVP investigation.

Conciliation/ADR can run parallel to resolution methods, such as negotiated resolution or a WHVP investigation. If successful, and no further preventive measures are needed, then the occurrence will be deemed resolved and the case will be closed.

## Option 3: WHVP Investigation

### Initiating an Investigation

A principal party may request a WHVP investigation at any time but must also make every reasonable effort to resolve the matter through negotiated resolution. If an investigation is requested, the CoC/manager will contact the WHVP Center of Expertise (CoE). These investigations are preventive, aiming to prevent further occurrences and minimize harassment and violence risks. Investigators will focus on the root cause and propose preventive recommendations. The outcome of the WHVP investigation cannot be used for any remedial or disciplinary measures. For cases involving alleged misconduct refer to “[[Disciplinary and/or Administrative Measures”.](#_Disciplinary_and/or_Administrative)](#_Disciplinary_and/or_Administrative_1)

### Notice of Investigation

The WHVP CoE will provide the principal party and the responding party with a written notice that an investigation will be conducted.

### Selection of the Investigator

A list of qualified internal (within CPCC (DGCSS)) and external investigators (contracted only through WHVP CoE, (jointly determined with the NHSPC), is available through the WHVP CoE. The selection of an investigator should be agreed upon by the principal party, the responding party, and the CoC/manager.

Both the principal party and the responding party will receive the investigator’s statement of qualifications and a confirmation of no conflict of interest. If the investigator identifies a conflict of interest with any party, they must inform the WHVP CoE before starting the investigation.

* If no agreement is reached within 10 days of receiving the Notice of Elected Investigator was received, the WHVP CoE will choose an investigator from the list.
* If no internal investigator is available, due to conflict of interest or scheduling, the WHVP CoE will select a qualified investigator from the National Master Standing Offer (NMSO) or Canadian Centre for Occupational Health and Safety (CCOHS) list.

### Information for Investigator

The WHVP CoE will provide the investigator with all information, including the nature of the occurrence, scope of the investigation, names, and contact information of parties to be interviewed, and any work done to date to resolve the occurrence.

### e. Investigation Report

The investigation’s report must not reveal, directly or indirectly, the identity of those involved in the occurrence or the resolution process. Reports should contain no identifiable information. The report will provide:

* + A general description of the occurrence,
	+ Conclusions on root causes and workplace circumstances contributing to the occurrence,
	+ Recommendations to prevent similar occurrences; and
	+ A determination as to whether the occurrence meets/does not meet the definition of workplace harassment and violence.

A copy of the report is provided to the CoC/manager, principal party, responding party, the applicable safety committee or representative.

Note: If there is a concurrent Negotiated Resolution and WHVP investigation, the negotiated resolution process cannot be used once the investigation report is provided.

### f. Implementation of Recommendations following WHVP investigation

The applicable safety committee or representative must jointly determine with the CoC/manager which recommendations set out from the WHVP investigator’s report will be implemented. They provide input on all matters relating to the harassment and violence prevention program, including periodic WHVP assessments, prevention strategies, and recommendations in investigation reports.

If the CoC/manager and the applicable safety committee or representative cannot agree on which prevention recommendations to implement, the CoC/manager will decide. However, this decision, along with the reasons, must be documented and retained for 10 years.

## NoO Resolved

The WHVP resolution process is completed when:

* A resolution is achieved through the negotiated resolution or conciliation/ADR;
* Once recommendations are implemented by the CoC/manager, provided the WHVP investigation report **meets** the definition of harassment and violence;
* Once the WHVP investigation report is received and the investigation report **does not** meet the definition of harassment and violence or;
* If the principal party chooses to end the WHVP process and a WHVP assessment is conducted.

The WHVP resolution process must be completed within 1 year of the NoO. Once the NoO is resolved, the principal party and responding party (if involved) are to be informed, using the File Closure Letter. The CoC/manager must inform the WHVP CoE of a resolution for tracking purposes. All actions related to a NoO, or its resolution must be documented and retained for 10 years in a safe and secure location (Protected B).

# Disciplinary and/or Administrative Measures

Defence Team members must be aware that any reprisal against a Principal Party who has exercised their rights under this Policy Manual, DAOD 5014-0 or the Regulations is unacceptable and incompatible with the [DND and CF Code of Values and Ethics neither](https://www.canada.ca/en/department-national-defence/services/benefits-military/defence-ethics/policies-publications/code-value-ethics.html) the [CAF Ethos.](https://www.canada.ca/en/department-national-defence/corporate/reports-publications/canadian-armed-forces-ethos-trusted-to-serve.html)

The CLC Part II (Section 147) and [QR&O 19.15](https://www.canada.ca/en/department-national-defence/corporate/policies-standards/queens-regulations-orders/vol-1-administration/ch-19-conduct-discipline/table-contents.html#:~:text=19.15%2520PROHIBITION%2520OF%2520REPRISALS%2520NEW), Prohibition of Reprisals, prohibits threatening to take or take, any reprisal, punitive or disciplinary action against DND employees and CAF members who have acted in accordance with this WHVP Policy manual;

* DND employees who believe that prohibited action has taken place may notify the Designated Recipient or Chain of Command/manager. If that is not successful they may file a complaint, under section 133 of the CLC Part II, the with the [Federal Public Sector Labour Relations and Employment Board](https://pslreb-crtefp.gc.ca/en/index.html).
* CAF members who believe that prohibited action has taken place may notify the Designated Recipient or Chain of Command/manager. If that is not successful, they may file a grievance, in accordance with [QR&O 7.08 Submission of a Grievance](https://www.canada.ca/en/department-national-defence/corporate/policies-standards/queens-regulations-orders/vol-1-administration/ch-7-grievances/table-contents.html).

The outcome of the WHVP investigation cannot be used for any remedial or disciplinary measures.

If the NoO describes Conduct Deficiencies (CAF) or Misconduct (DND) that contravene the DND and CAF Code of Values and Ethics and/or CAF Ethos, the CoC/manager must solicit and strongly consider the views of the principal party, then take appropriate disciplinary or administrative action as follows:

* DND Public Service Employee Responding Party. In cases where the responding party is a DND public service employee, contact the Labour Relations Officer (ADM HR Civ) and refer to [DAOD 5016-0](https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5016.html), Standards of Civilian Conduct and Discipline.
* CAF Responding Party. In cases where the responding party is a CAF member, obtain advice from Legal advisor and the Director Military Careers Administration 2 (DMCA 2), then refer to [DAOD-5019](https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5019/5019-0-conduct-and-performance-deficiencies.html) to conduct an Administrative Investigation and potential administrative action.

# Support Services

The [Employee Assistance Program](https://www.canada.ca/en/department-national-defence/programs/defence-employee-assistance-program.html) (EAP) at: **1-800-663-1142** or **1-888-384-1152** (for people with hearing impairments). EAP offers support and assistance to all employees who are affected by workplace harassment and violence.

CAF members seeking assistance may contact the [Member and Family Assistance services](https://www.canada.ca/en/department-national-defence/services/benefits-military/health-support/member-family-assistance-services.html) at **1-800-268-7708** for confidential counselling service either via telephone or to arrange face-to-face support, 24 hours a day, seven days a week. Individuals experiencing personal or work-related problems can receive confidential help through this program.

Further, you can access a list of available services at: [services and resources.](https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/conflict-harassment/support-services.html)

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