



Annual Report on the Policy on the Prevention and Resolution of Harassment in the Workplace 2003–04

Office of Public Service Values and Ethics
Public Service Human Resources Management
Agency of Canada
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Executive Summary

This annual report describes activities related to the Treasury Board's *Policy on the Prevention and Resolution of Harassment in the Workplace* (the Policy) in federal departments and organizations for the year 2003/04. The report is based on information submitted by 57 departments and organizations to the Office of Public Service Values and Ethics (OPSVE) of the Public Service Human Resources Management Agency of Canada.¹ The report refers to formal harassment complaints and prevention activities undertaken by departments and agencies, as well as to action taken by OPSVE. Where relevant and possible, comparisons are made to the findings of the 2002/03 annual report. As the level of detail and consistency of reporting varied between departments and organizations, and as a number of harassment situations are addressed informally, the 2003/04 report provides only a general overview of the application of the Policy.

Prevention

- ▶ In 2003/04, **36 departments and organizations held events** aimed at enhancing awareness and promoting a better understanding of the Policy. This was a 13 per cent increase from the 32 departments and organizations that had reported holding such learning events in 2002/03. These learning events included training courses on the prevention and resolution of workplace harassment, courses on conflict management and resolution and information sessions on the Policy and its complaint process.
- ▶ The available data suggest that approximately 33,550 employees (20 per cent of all employees covered) participated in learning activities related to the Policy. This is similar to the findings of the 2002/03 annual report in which 32,679 employees (21 per cent of all employees covered) were reported to have participated in Policy-related learning activities.

Harassment Complaints

- ▶ In 2003/04, a total of **33 departments and organizations reported receiving formal complaints**. This represents an 18 per cent decrease from the 39 departments and organizations that received formal complaints in 2002/03.
- ▶ Among these 33 departments and organizations, a total of **546 formal complaints** were received, a 7 per cent increase from the 513 formal complaints received in 2002/03. Of the 546 complaints, 190 (35 per cent) were received by Correctional Service Canada.
- ▶ An assessment of the **types of complaints** received during this reporting year indicates an overview similar to that of 2002/03. Among the 546 formal complaints received in 2003/04,
 - 307 cases (55 per cent) related to harassment of a general nature, the same as 2002/03;

1. This includes three organizations that reported on the Policy through larger departments.

- 187 cases (34 per cent) involved alleged abuse of power, almost the same as last year;
 - 44 cases (8 per cent) related to harassment based on the “prohibited grounds” proscribed by the *Canadian Human Rights Act*, a slight increase from 5 per cent in 2002/03; and
 - 19 cases (3 per cent) involved alleged sexual harassment, a decrease by half from 6 per cent in 2002/03.²
- ▶ In complaints received in 2003/04 for which the **gender of the complainant** was reported, the number of male complainants decreased slightly and the number of female complainants increased slightly from 2002/03:
- 46 per cent (156) of the complainants were male, slightly down from 49 per cent in 2002/03; and
 - 54 per cent (181) of the complainants were female, slightly up from 51 per cent in 2002/03.
- ▶ In the complaints for which the **gender of the respondent** was reported,
- 59 per cent (231) of the respondents were male; and
 - 41 per cent (158) of the respondents were female.
- ▶ Among the complaints for which the relationship between the complainant and the respondent was reported,
- 55 per cent (197 complaints) were filed against superiors;
 - 38 per cent (134 complaints) were filed against colleagues (those at equal levels); and
 - 7 per cent (25 complaints) were filed against subordinates.

Resolution³

- ▶ In 2003/04, **mediation** was provided in 116 complaints (20 per cent of all complaints) in 15 departments and organizations, representing a decrease from the use of mediation in 130 complaints (26 per cent) reported by 26 departments and organizations in 2002/03.
- ▶ Of all the complaints, 94 (16 per cent) were **rejected**, 27 (5 per cent) were **withdrawn** and 161 (27 per cent) were still going through the resolution process as of the end of March 2004.

2. The numbers of complaints in each category do not add up to the total number of formal complaints because several departments and organizations did not provide information on the types of complaints and some complaints fell under multiple categories.

3. The analysis of the resolution of complaints presented in this section includes a total of 50 complaints that were carried forward from the fiscal year 2002/03 in three departments and organizations.

- ▶ A total of 144 complaints (24 per cent) were resolved through **investigation**, a slight decrease from the 149 complaints (30 per cent) in 2002/03. Of these 144 complaints,
 - 60 (42 per cent) were determined to be founded, compared with 64 (43 per cent) in 2002/03; and
 - 84 (58 per cent) were determined to be unfounded, compared with 85 (57 per cent) in 2002/03.
- ▶ 47 complaints (8 per cent) were resolved through **discussion**, and 25 (4 per cent) were **redirected** to other recourse mechanisms (e.g., the Canadian Human Rights Commission).
- ▶ **Corrective measures** were taken in 59 cases (10 per cent) in 19 departments and organizations. Measures taken included counselling; coaching and educational sessions; reimbursement of sick leave related to the complaint; changes in the lines of communication between the complainants and the respondents; memoranda of understanding between the parties; and performance evaluation.
- ▶ **Disciplinary measures** (e.g., verbal and written reprimands, suspensions and dismissals) were taken in 22 cases (4 per cent) in 10 departments and organizations.
- ▶ In 2003/04, the **average time taken to resolve a complaint** in the 22 departments and organizations that reported this information was **6.7 months**. This exceeds the maximum processing time stipulated in the Policy, which is “normally in six months or less.” This reinforces the concern over a delay in the complaint process expressed in the 2002/03 annual report.

Overall, the portrait presented in this report is similar to that of last year. The total number of complaints is comparable in both fiscal years, even though some departments reported a significant decrease in the number of complaints this year, while others reported a significant increase. Also, there are strong similarities along other variables such as types of harassment complaints, percentage of complaints determined to be founded or unfounded through an investigation and alleged sources of harassment.

The data gathering and monitoring system used by departments and organizations represent an area of concern. There is a compelling need to enhance the reporting capacities of individual departments and organizations, as well as the monitoring capacity of the Office of Public Service Values and Ethics (OPSVE).

The Policy is being applied, and departments and organizations have been making efforts to achieve the Policy’s purpose of creating a respectful and harassment-free workplace. The upcoming Policy and system review may be instrumental in helping public service organizations increase their capacity to prevent and resolve harassment situations.

Introduction

The Office of Public Service Values and Ethics (OPSVE) of the Public Service Human Resources Management Agency of Canada is responsible for this annual report. The report falls under its mandate to promote a better understanding and application of the Treasury Board's *Policy on the Prevention and Resolution of Harassment in the Workplace* (the Policy), and to identify potential issues and areas requiring closer support and monitoring. It provides a portrait of activities related to the Policy in federal departments and organizations. This report is based on information from 57 departments and organizations submitted to OPSVE for the fiscal year 2003/04.⁴ This report describes formal harassment complaints, prevention activities undertaken by departments and organisations and action taken by OPSVE. Although requested, data on harassment situations addressed informally were never gathered or submitted due to a lack of resources devoted to the harassment file.

Background on the Policy

The revised Policy came into effect on June 1, 2001. Its objective is to foster a respectful workplace through the prevention and prompt resolution of harassment.

The federal government has recognized that harassment affects workplace and individual well-being and overall morale, and must not be tolerated. As the employer of the federal public service of Canada, the Treasury Board introduced a harassment policy in 1982 that aimed to provide a work environment where all employees are treated with respect and dignity. It was the first employer in Canada to offer such a policy to its employees. It was also the first to include personal harassment and abuse of authority as forms of harassment in its policy.

Since 1982, the Policy has been revised a number of times. In 1994, it was revised to introduce mediation, to formalize the complaint process and to enhance privacy and disclosure provisions. The Treasury Board Secretariat (TBS) conducted an extensive review of the Policy in 1998 to evaluate its continuing effectiveness and relevance. A consultation process was undertaken involving bargaining agents, departments and agencies and other stakeholders in order to ensure a thorough understanding of the issues surrounding the Policy. The Treasury Board's intention of making significant revisions to the Policy in order to simplify and streamline the complaint resolution process fell within its larger initiatives to modernize the federal government's

4. This includes three organizations that reported on the Policy through larger departments.

management framework (*Results for Canadians: A Management Framework for the Government of Canada*).⁵

In 1999, the findings of the Public Service Employee Survey (PSES) indicated that about 20 per cent of respondents reported having experienced harassment in the workplace, while 18 per cent had reported discrimination. This reinforced the need to better address workplace well-being and to strengthen the values of integrity and trust in public service organizations. Against this background, a revised Policy was announced by the President of the Treasury Board in 2001.

Overview of the Policy

The 2001 version of the Policy places a greater emphasis on preventing harassment through the promotion of increased awareness, early problem resolution and mediation. Departments and organizations are encouraged to provide employees and managers with sensitization training and tools to help prevent and resolve harassment. The ultimate responsibility and authority for the application of the Policy rests with the deputy head and his or her authorized representative.

Under the Policy, harassment is defined as “any improper conduct by an individual that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm.” The Policy’s definition includes harassment within the meaning of the *Canadian Human Rights Act*, that is, harassment based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted (“prohibited grounds”). To better ensure the protection of employees, the Policy goes beyond the requirements of the Act by incorporating other types of workplace harassment, such as harassment of a general nature including rude, degrading or offensive remarks or e-mails, threats and intimidation.

Each year the departments and organizations covered by the Policy must report to OPSVE all harassment complaints they handled and prevention activities they undertook. OPSVE promotes and monitors the application of the Policy, in close collaboration with departments and organizations, largely through the Network of the Departmental Harassment Policy Coordinators. (The functions of the departmental harassment policy coordinators and their network are discussed in the section on prevention activities.)

5. Treasury Board Secretariat, News Release, May 31, 2001.
www.tbs-sct.gc.ca/media/nr-cp/2001/0531_e.asp (11/14/04).

Since the introduction of the Policy in 2001, there has been growing concern over the status of the Policy's application in departments and organizations, a concern which was reinforced by the findings of the 2002 PSES. As many as 21 per cent of public service employees who responded (nearly 20,000 people) reported having experienced harassment on the job. In addition, only 52 per cent of respondents said they felt that they could launch a formal redress process (grievance, right of appeal, health and safety, etc.) without fear of reprisal.

Complaint Process under the Policy

Delegated Manager

Under the Policy, deputy heads must designate a senior executive in their department or organization as the delegated manager accountable for the administration of the harassment complaint process. Deputy heads are also responsible for informing employees of the name (or title) and address of the delegated manager.

Early Problem Resolution

The Policy encourages employees and managers to resolve any conflict or harassment situation as soon as possible in a fair and respectful manner using appropriate mechanisms, without having to resort to the formal complaint process. Early problem resolution mechanisms can include interviewing, discussion, coaching, counselling, facilitation and workplace assessments.

Formal Complaint Process

If early resolution is not successful or is deemed inappropriate, an employee may file a complaint in writing with the delegated manager within one year of the alleged harassment. The delegated manager must screen and acknowledge receipt of the complaint based on the criteria described in the Policy.⁶ If these criteria are met, the delegated manager reviews the complaint and, if necessary, seeks more information to determine if the allegations are related to harassment.

Mediation must be offered for all harassment complaints before an investigation is initiated. If mediation has not resolved the complaint, or if the parties did not agree to mediation, the delegated manager will launch an investigation. Mediation can be undertaken at any time during the investigation process. In this case, the investigation is suspended and is resumed only if the mediation ends unsuccessfully.

6. The criteria used in the screening stipulate that the complaint 1) must be filed within one year of the alleged harassment leading to the complaint, unless there are extenuating circumstances; and 2) must include the nature of the allegations, the name of the respondent, the relationship of the respondent to the complainant, the date and a description of the incident(s), and, if applicable, the names of witnesses.

Once an investigation is complete, the delegated manager must determine the appropriate course of action required to resolve the situation. Harassment may result in corrective or disciplinary measures, up to and including termination of employment.

The Policy requires all steps in the harassment complaint process to be completed “without undue delay.” It sets the time frame within which to complete a complaint process, including an investigation, if necessary, as “normally in six months or less.”

Other Recourse Mechanisms

Employees who believe that they have been harassed may discuss grievance options with their bargaining agent. In addition to the right to file a complaint under the Policy, employees have the right to lodge a complaint with the Canadian Human Rights Commission if harassment is based on one of the prohibited grounds of discrimination under the *Canadian Human Rights Act*. Assaults, including sexual assault, are covered by the *Criminal Code*. A complaint process under the Policy will not proceed further if the complaint is being dealt with through another avenue.

Annual Report Methodology

The Policy applies to all departments and organizations of the federal public service listed in Part I of Schedule I of the *Public Service Staff Relations Act*. Departments and organizations must work together with OPSVE to monitor the Policy’s application and ensure that its objectives are achieved.

The information for this report is based on information from 57 departments and organizations submitted to OPSVE for the fiscal year 2003/04. The total number of public service employees in these 57 departments and organizations is estimated to have been about 165,400 at the end of this reporting year, or roughly 98 per cent of all federal public servants covered by the Policy.⁷ Where possible and relevant, findings are compared with those in the 2002/03 annual report.

Before 2002/03, TBS required minimal reporting from departments and organizations on the implementation of the Policy. Very few departments and organizations have established data gathering or other systems to monitor Policy implementation. OPSVE has been working with departments and organizations over the past two years to establish a system of data gathering, analysis and reporting. This system is still being developed. In viewing the data presented in this report, it should be noted that the level of detail and consistency of reporting varied among

7. These estimates are based on information from the 11 departments and organizations that listed the number of their employees in their 2003/04 annual reports. For the remaining departments and organizations, information was taken from the Government of Canada’s *Population Affiliation Report*, last updated on October 26, 2004.

departments and organizations. Furthermore, because certain harassment situations are resolved informally, this report provides only a general picture of the harassment situation in federal departments and organizations for the year 2003/04.

Analysis of Activities Related to the Policy

Prevention

In 2003/04, 36 departments and organizations held events for their employees and managers aimed at enhancing awareness about harassment in the workplace and promoting better understanding and application of the Policy and its complaint process. This represents a 13 per cent increase from the 32 departments and organizations that reported holding such learning events in 2002/03. These learning events included:

- ▶ Training courses on the prevention and resolution of workplace harassment, provided in-house and externally, such as the one-day course “Creating a Respectful Workplace,” offered by the Canada School of Public Service;
- ▶ Courses on conflict management and resolution, such as training courses on workplace conflict resolution offered by Justice Canada’s Federal Centre for Workplace Conflict Management; and
- ▶ Information sessions on the Policy and its complaint process.

Among the 36 departments and organizations that reported holding learning events during this reporting year, 26 departments and organizations (about 72 per cent) provided information on the number of employees who attended. The information provided was not always complete (e.g., covering only employees in the national capital region, double-counting employees who attended more than one event, etc.). However, the available data suggest that approximately 33,550 employees (20 per cent) attended learning events related to the Policy in 2003/04. This is similar to the findings of the 2002/03 annual report in which 32,679 employees (21 per cent) were reported to have participated in learning activities related to the Policy.

The number of departments and organizations that provided information on the proportion of employees who attended the learning events is even smaller (14 departments and organizations). Also, not many departments or organizations provided information about managers’ participation in learning events separately from that of employees. Although the data received provided a snapshot, it was not enough to determine the extent to which employees and managers are participating in training and learning opportunities related to harassment in the workplace. OPSVE and departments and organizations will need to work together to develop a more effective process for collecting detailed data on which harassment training and learning activities are available and whether they are being used.

Mandatory Training

Training on the prevention and resolution of harassment is mandatory in some departments and organizations. While it is still too early to draw any conclusion on the impact of mandatory training, data from some departments where training has been mandatory since 1999 (e.g., Fisheries and Oceans Canada, Environment Canada) suggest that mandatory training may be improving the harassment situation in the workplace. In these departments, there were significantly fewer complaints this year compared with last year.

Other departments and organizations, such as Health Canada, are also making training on the prevention and resolution of harassment mandatory for all managers. As of April 2004, Correctional Service Canada (CSC) included a new Joint Learning Program in its National Training Standards, which makes anti-harassment training mandatory for all employees and managers. The department is aiming to have all employees and managers trained within the next four years.

Overview of the Office of Public Service Values and Ethics Activities and Related Strategic Interventions

OPSVE has provided departments and organizations with guidance in dealing with and addressing harassment cases, particularly difficult and complicated ones. As part of its effort to facilitate the prevention and prompt resolution of harassment in departments and organizations, OPSVE introduced the following tools in 2003/04:

- ▶ An on-line learning tool for harassment prevention, *People to People Communication: Preventing and Resolving Harassment for a Healthy Work Environment*;
- ▶ Tip cards designed to help managers deal with difficult workplace situations promptly and appropriately, preventing them from escalating into more serious situations, with an emphasis on the proper use of authority in addressing performance problems; and
- ▶ A new anti-harassment poster.

Several departments and organizations noted that they had informed their employees of the introduction of the *People to People Communication* on-line tool and had recommended it. OPSVE's Web site (as a part of the Public Service Human Resources Management Agency of Canada's Web site) also provides resources designed to help departments and organizations prevent and manage harassment. These include guides for managers and delegated managers, the list of departmental harassment policy coordinators and other references. OPSVE also played a leadership role in the development of the Network of Departmental Harassment Policy Coordinators, which is described in detail below.

Related Strategic Interventions

In January 2003, the Survey Follow-up Action Advisory Committee (SFAAC) was established to review the results of the 2002 PSES and to identify initial follow-up action. The SFAAC featured representatives from large, medium and small departments and agencies, as well as central agencies, unions and external experts. OPSVE contributed to the work of a subcommittee on harassment, violence and discrimination, which was formed to conduct in-depth analyses of the PSES results in these areas. Three problem areas emerged from these analyses: workplace under-resourcing and workload pressures, high-risk workplaces with unique work environments (e.g., Correctional Service Canada) and employment equity groups. In September 2003, the SFAAC released its report for the consideration of deputy ministers and heads of agencies.

In June 2003, also in response to the 2002 PSES results relating to workplace harassment, focus groups were conducted among public servants of various levels and occupational groups across the country. The focus groups specifically addressed how harassment was being managed in the workplace, including sources of harassment, the investigation process, the role of human resources, the definition and impact of harassment, and possible solutions. The focus groups identified a number of issues regarding the management of harassment in the public service. They confirmed the survey findings that work superiors are the most common source of alleged harassment, and that heavy workloads and stress can lead to conditions for harassment. The focus groups also highlighted the role of work superiors in preventing harassment and the need to teach work superiors more about informal conflict resolution.

In November 2003, at the annual retreat of the Harassment Policy Coordinators Network, a half-day session was held to assess how the harassment management system was working. Issues with the Policy and its implementation were identified. A working group was established to work on a possible review of the Policy. In the early months of 2004, the working group continued its exploration of issues and possible solutions. During the summer of 2004, it was proposed that the Public Service Human Resources Management Agency review the system of harassment prevention and resolution across the whole public service. A mandate was given to the working group to review the system, including the Policy. This review will be conducted in 2005.

Network of Departmental Harassment Policy Coordinators

Most departments and agencies assign the responsibilities of coordinating the Policy implementation to one person, the policy coordinator. The policy coordinator works closely with the delegated manager to manage the complaint process. However, there is no formal description of the coordinator's tasks. In many departments and organizations, the coordinator's function has been fulfilled by a staff relations officer. Some departments have located the coordination of the Policy outside of staff relations. For example, Agriculture and Agri-Food Canada has an officer

fulfilling this role in its Office of Values and Ethics; the Immigration and Refugee Board has recently created a position specifically designated for the function; and a few other departments and organizations are considering the possibility of having the policy coordination located in the values and ethics division.

OPSVE played a leadership role in developing the Network of Departmental Harassment Policy Coordinators and promoting the professional development of its members. It organized four quarterly meetings during the fiscal year and a two-day retreat in November 2003. During the quarterly meetings, network members shared best practices and discussed concerns and strategic directions. The network's meetings were also attended by representatives from some organizations that are not formally covered by the Treasury Board Policy, but that are seeking learning and networking opportunities (e.g., the House of Commons and the Senate).

It is unclear whether the coordinators have collaborated with related networks in their departments, such as that of the Senior Officials responsible for the promotion of the Values and Ethics Code for the Public Service, to coordinate communication and other interventions. However, this was strongly recommended as a way of optimizing the effectiveness of various policies and learning strategies.

Other Prevention Activities

Departments and organizations have adopted a variety of tools to communicate the Policy and relevant information to their employees (e.g., the name of the delegated managers, the availability of learning opportunities related to the Policy, and their departmental and organizational harassment policy). Some departments and organizations have developed their own harassment policies which complement the Treasury Board Policy. Tools for conveying the content of the Policy included e-mail, broadcast messages, newsletters, brochures, pamphlets and posters. Several departments and organizations reported that they had taken further initiatives aimed at addressing workplace harassment during this reporting year. These include:

- ▶ The Canadian International Development Agency developed new guidelines on harassment in the workplace through a working group of union representatives, executives, managers and employees from various levels and groups; and
- ▶ Industry Canada initiated studies, including a longitudinal survey on workplace discrimination and harassment, to identify challenges and barriers and to assess the effectiveness of existing programs.

Complaint Administration and Resolution

In 2003/04, 33 departments and organizations reported receiving formal complaints. This indicates an 18 per cent decrease in the number of departments and organizations (39) that received formal complaints in 2002/03.

Among these 33 departments and organizations, a total of 546 formal complaints were received, a 7 per cent increase from the 513 received in 2002/03. Of the 546 complaints, 190 (35 per cent) were received by CSC, a 26 per cent increase from the 151 complaints (30 per cent of all complaints) received in the department in 2002/03. If the CSC is taken out of the analysis, the data indicate that the total number of complaints received in all departments and organizations increased slightly (less than 1 per cent) from 354 complaints in 2002/03 to 356 complaints in 2003/04. CSC is aware of the challenges that it is facing, and has taken measures to address workplace harassment and discrimination. Among these mechanisms is a national union-management forum called the Joint Anti-Harassment Advisory Committee (JAHAC), established in February 2002. The JAHAC has undertaken several initiatives aimed at promoting a safe and healthy working environment, including adoption of the *CSC Guiding Principles on the Prevention and Resolution of Harassment in the Workplace*, which are specific to CSC's mandate and culture, and the introduction of mandatory anti-harassment training. However, issues brought to the attention of OPSVE (e.g., complaints from union representatives about the harassment investigation process at CSC) and cases reported by the media indicate that more work is needed to manage harassment in this department.

Formal Harassment Complaints	2002/03	2003/04
Number of formal complaints received	513	546
Number of departments and organizations that reported receiving formal complaints	39	33

The following departments and organizations reported receiving formal complaints in 2003/04.

Departments and Organizations That Reported Receiving Formal Harassment Complaints in 2003/04	
Agriculture and Agri-Food Canada*	Human Resources Development Canada* ⁹
Canada Industrial Relations Board	Immigration and Refugee Board Canada*
Canadian Forces Grievance Board	Indian and Northern Affairs Canada*
Canadian Heritage*	Industry Canada*
Canadian International Development Agency*	Justice Canada*
Canadian Space Agency*	Library and Archives Canada* ¹⁰
Canadian Transportation Agency*	Military Police Complaints Commission
Citizenship and Immigration Canada*	Passport Office*
Correctional Service of Canada*	Privy Council Office*
Department of National Defence*	Public Service Commission of Canada*
Economic Development Agency of Canada*	Public Works and Government Services Canada*
Elections Canada	Royal Canadian Mounted Police*
Environment Canada*	Statistics Canada*
Finance Canada*	Transport Canada*
Fisheries and Oceans Canada*	Treasury Board of Canada Secretariat*
Foreign Affairs and International Trade Canada* ⁸	Veterans Affairs Canada*
Health Canada*	

*the department or organization also received formal complaints in 2002/03

An assessment of the types of complaints received during this reporting year gives an overview similar to that of 2002/03. Among all formal complaints received in 2003/04, 307 complaints (55 per cent) related to harassment of a general nature, a category that includes situations involving humiliating conduct (e.g., inappropriate displays of anger, offensive remarks, repeated demeaning teasing), and more subtle forms of harassment (e.g., excluding or isolating someone from group activities or projects). This percentage is the same as that reported in 2002/03. One hundred and eighty-seven complaints (34 per cent) involved alleged abuse of power, where complainants claim to have been the victims of inappropriate use of authority by their superiors—the same percentage as last year. Forty-four complaints (8 per cent) referred to harassment based on the grounds proscribed by the *Canadian Human Rights Act* (“prohibited

8. On December 12, 2003 this department became two separate departments: the Department of Foreign Affairs and the Department of International Trade.
9. On December 12, 2003 this department became two separate departments: the Department of Social Development and the Department of Human Resources and Skills Development.
10. In April 2004, the National Library of Canada and the National Archives of Canada merged to become Library and Archives Canada.

grounds”)—a slight increase from 5 per cent in 2002/03. And 19 complaints (3 per cent) involved sexual harassment, a decrease by half from 6 per cent in 2002/03.

Formal Complaints: Breakdown by Type of Complaint	2002/03		2003/04	
	• Harassment of a general nature	55%	(284)	55%
• Abuse of power	34%	(174)	34%	(187)
• Harassment based on the “prohibited grounds”	5%	(25)	8%	(44)
• Sexual harassment	6%	(30)	3%	(19)
Total number of formal complaints		513		546

For those complaints in which the gender of the complainant was reported, the number of male complainants decreased slightly and the number of female complainants increased slightly from 2002/03:

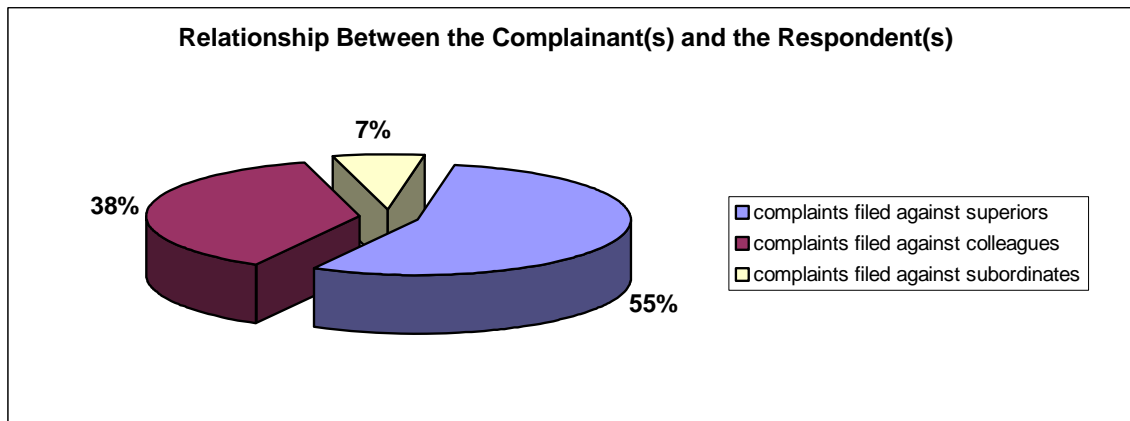
- ▶ 46 per cent (156) of the complainants were male, slightly down from 49 per cent in 2002/03; and
- ▶ 54 per cent (181) of the complainants were female, slightly up from 51 per cent in 2002/03.

For the complaints for which the gender of the respondent was reported,

- ▶ 59 per cent (231) of the respondents were male; and
- ▶ 41 per cent (158) of the respondents were female.

Among the complaints for which the relationship between the complainants and the respondents was reported,

- ▶ 55 per cent (197 complaints) were filed against superiors;
- ▶ 38 per cent (134 complaints) were filed against colleagues (those at equal levels); and
- ▶ 7 per cent (25 complaints) were filed against subordinates.



In the 2002 PSES, about 74 per cent of public servants who reported having experienced harassment in the workplace identified their superiors as the source of the problem. Coworkers were also identified as the source of the problem by 65 per cent of those reporting harassment. Subordinates were not identified as a significant source of harassment (only 15 per cent indicated subordinates as the source of harassment). While this report examined the question differently,¹¹ the findings suggest a similar overview of the complainants-respondents relationship in harassment complaint cases.

The 2003 Annual Report of the Association of Professional Executives of the Public Service of Canada (APEX) suggests that a number of harassment complaints were being strategically laid by employees who were unhappy about either their performance evaluation or other issues unrelated to harassment. The APEX report recommends a greater emphasis on early resolution of potential complaints, given the impact that harassment complaints have on a person's reputation, even when the case is determined to be unfounded.

11. The 2002 PSES asked those respondents who indicated that they had been the victims of harassment in the previous question whether they had experienced harassment from their superiors, colleagues and subordinates. In these instances, respondents could identify more than one source.

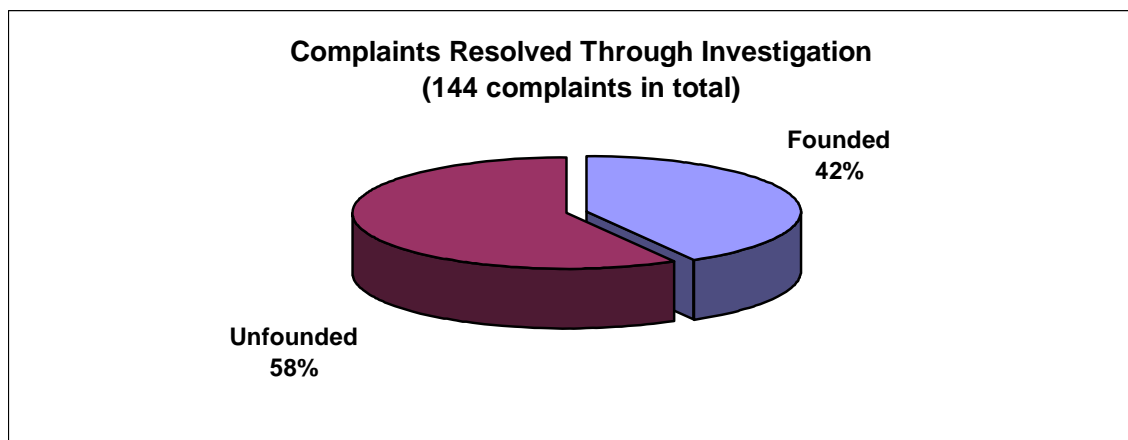
Resolution¹²

In 2003/04, mediation was provided in 116 complaints (20 per cent of all complaints) in a total of 15 departments and organizations¹³. This represents a decrease from the use of mediation in 130 complaints (26 per cent) in the 26 departments and organizations reported in 2002/03.

Of all complaints, 94 complaints (16 per cent) were rejected, 27 complaints (5 per cent) were withdrawn and 161 complaints (27 per cent) were still going through the resolution process at the end of March 2004.

A total of 144 complaints (24 per cent) were resolved through investigation—a slight decrease from the 149 complaints (30 per cent) in 2002/03. Of the 144 complaints,

- ▶ 60 (42 per cent) were determined to be founded, compared with 64 (43 per cent) in 2002/03; and
- ▶ 84 (58 per cent) were determined to be unfounded, compared with 85 (57 per cent) in 2002/03.



12. The analysis of the resolution of complaints presented in this section includes a total of 50 complaints that were carried forward from fiscal year 2002/03 in three departments and organizations.

13. These include complaints where mediation successfully led to resolution, complaints that were resolved through other methods after mediation failed, and complaints for which the mediation process was ongoing at the end of March 2004.

Forty-seven complaints (8 per cent) were resolved through discussion and 25 complaints (4 per cent) were redirected to other recourse mechanisms (e.g., the Canadian Human Rights Commission).¹⁴

Corrective and disciplinary measures were taken in 81 cases (15 per cent of all complaints) in 29 departments and organizations. Measures taken included counselling, coaching and educational sessions, reimbursement of sick leave related to the complaint, changes in the lines of communication and interrelation between the complainants and the respondents, memoranda of understanding between the parties and performance evaluation. Disciplinary measures included verbal and written reprimands, suspension and dismissal.

In 2003/04, the average time taken to resolve a complaint in the 22 departments and organizations which reported this information was 6.7 months. This exceeds the maximum processing time stipulated in the Policy, which is “normally in six months or less.” This reinforces the concern over a delay in the complaint process expressed in the 2002/03 annual report.

14. Departments and organizations reported dealing with 596 complaints for this reporting year. However, when asked to provide the information related to resolution, several departments and organizations identified higher numbers of complaint resolutions. Therefore, the sum of the number of complaints resolved through each method presented in this report does not equal 596. Possible reasons for this reporting discrepancy may be that a higher number of complaint resolutions include double-counting a complaint that was resolved using multiple methods. OPSVE is planning to investigate this issue further as part of its policy review process.

Conclusion

The 2003/04 *Annual Report on the Policy on the Prevention and Resolution of Harassment in the Workplace* aims to provide a general portrait of activities related to the Policy in federal departments and organizations during the reporting year. Overall, the portrait presented in this report is similar to that of last year. The total number of complaints is comparable. However, a number of departments reported a significant decrease in the number of complaints this year, while others reported a significant increase. Also, there are strong similarities along other variables such as types of harassment complaints, percentage of complaints determined to be founded or unfounded through an investigation and alleged sources of harassment. The increase in the number of complaints based on the prohibited grounds confirms the findings of the report on the 2002 PSES by SFAAC, which identified possible harassment or discrimination against the employment equity groups as an area of concern. Targeted intervention may be needed in this area.

In terms of prevention, most departments continued to provide training opportunities and other sensitization activities to their employees. In fact, more departments than last year provided such opportunities.

One area of concern pertains to the data-gathering and monitoring system used by departments and organizations. Challenges were identified in producing a thorough analysis of the application of the Policy and of activities related to harassment. This stemmed from the varying levels of detail and consistency of the data provided by the different departments and organizations. There is a compelling need to enhance the reporting capacities of individual departments and organizations, as well as the monitoring capacity of OPSVE.

The annual reports of several departments and organizations demonstrated considerable effort in meeting their reporting requirements under the Policy as well as OPSVE's requests for additional information. In the next reporting year, OPSVE will assess ways of providing more structure to the data collection process to support annual reporting, and will work in closer collaboration with departments and organizations to achieve this goal.

There are a number of limitations to drawing conclusions about the overall achievement of the Policy's objective. In order to capture as complete a picture of harassment situations as possible, OPSVE requested that departments and organizations also provide information on harassment situations that had been dealt with informally. However, the majority of departments reported that they do not gather data on these situations due to a lack of resources.

It is unknown whether the portrait emerging from this report is reflective of the norm, as comparisons with equivalent organizations are not available. Nonetheless, this report identifies

issues with the implementation of the Policy and emphasizes that sustained efforts are needed to improve the system's effectiveness.

The Policy is being applied, and departments and organizations have been making efforts to achieve the Policy's purpose of creating a respectful and harassment-free workplace. The Treasury Board, as the employer of the public service, has introduced other policies and initiatives to promote ethical practices and healthy and respectful workplaces, such as the *Values and Ethics Code for the Public Service* and changes under the Human Resources modernization initiative. More coordinated work is needed in this area; the upcoming policy and systems review may be instrumental in moving public service organizations closer to harassment-free workplaces.

Departments and Organizations that did not submit a report

1. Canadian Environmental Assessment Agency
2. Canadian Firearms Centre
3. Canadian Grain Commission
4. Canadian Human Rights Tribunal
5. Canadian Intergovernmental Conference Secretariat
6. Energy Supplies Allocation Board
7. Law Commission of Canada
8. National Search and Rescue Secretariat
9. Office of Indian Residential Schools Resolution of Canada
10. Office of Infrastructure Canada
11. Office of the Commissioner of Official Languages
12. Office of the Director of the Veterans' Land Act
13. Office of the Registrar of the Supreme Court of Canada
14. Office of the Superintendent of Bankruptcy Canada
15. Offices of the Information and Privacy Commissioners of Canada
16. Organizing Committee for International Summits
17. Prairie Farm Rehabilitation Administration
18. Status of Women Canada
19. Registry of the Competition Tribunal
20. Royal Canadian Mounted Police Public Complaints Commission
21. Veterans Review and Appeal Board