



# **POLICY ON PREVENTION OF HARASSMENT AND VIOLENCE IN THE WORKPLACE**

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## **1. Effective Date**

1.1 The *Policy on Prevention of Harassment and Violence in the Workplace* [the "Policy"] was approved by the Chief Executive Officer (CEO) and takes effect on January 24, 2022.

1.2 It replaces the relevant Human Resources policies in the NJI Policy Handbook dated January 24, 2018.

1.3 This Policy will be reviewed annually or in the event of a legislative change, by the Joint Health and Safety Committee (JHSC). Any amendments will be presented to the CEO for approval.

## **2. Purpose**

2.1 The purpose of the *Policy on Prevention of Harassment and Violence in the Workplace* is to provide an integrated, healthy, safe, and respectful workplace that is free from all forms of harassment or violence by:

- defining what constitutes and what does not constitute harassment in the workplace; and
- developing and maintaining protocols that provide direction to report and investigate harassment and violence in the workplace.

## **3. Expected Results**

3.1 The expected results of the Policy are met by:

- committing that harassment and violence is not tolerated in the workplace;
- preserving and fostering for the employees and contributors a productive and respectful working environment based on mutual respect;
- putting any necessary mechanisms in place to prevent harassment or violence in the workplace;
- addressing promptly with sensitivity, fairness, and an emphasis on informal early resolution of any complaint of harassment or violence in the workplace occurrence;
- building trust with employees and contributors that harassment and violence in the workplace are prevented and resolved; and
- ensuring compliance with federal and provincial legislation, when required.

## **4. Application**

4.1 This Policy applies to candidate seeking employment, all NJI employees, including managers at all levels of the organizational hierarchy and contributors. Contributors include contractors, non-judicial faculty, volunteers, and students at the Institute who work at an NJI office or attend external in-person NJI conferences/programs or meetings.

4.2 This Policy also applies to third parties insofar as their conduct affects the working environment, including NJI's visitors, clients, suppliers, and subcontractors.

4.3 This Policy applies to any work-related incident, whether it occurs at the workplace (including remote work locations, where applicable) or when outside the workplace, during or outside regular working hours, for example, in connection with the use of social media, meetings, receptions, parties, team activities and meals.

4.4 In addition, any employee or contributor participating in social events that are directly or indirectly work-related, whether during or outside regular working hours, must at all times adopt a civil attitude and conduct free from all forms of harassment and violence.

4.5 This Policy is to be read taking into consideration relevant policies, directives, and instruments, listed in [Appendix A](#).

## **5. Authorities**

5.1 Consistent with *NJI General Operating By-law No. 1*<sup>1</sup>, the Chief Executive Officer (CEO) shall supervise the day-to-day operations and the administration of the Institute except for those matters delegated by the Board to the Chief Judicial Officer.

## **6. Roles and Responsibilities**

### **6.1 Senior Management Committee (SMC)**

The SMC provides a forum for consultation, discussion, exchange of information, and advice in decision-making related to Institute-wide

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<sup>1</sup> *National Judicial Institute, General Operating by law No1, section VIII, 7.02 (d), January 23, 2024*

functions, practices, and processes, including human resource management, workplace health and safety, finance, communications, education programming, strategic planning and reporting, and to resolve issues collaboratively.

## **6.2 Joint Health and Safety Committee (JHSC)**

The primary purpose and mission of the JHSC is to monitor, assist and support the Internal Responsibility System (IRS). As such, the JHSC is responsible for:

- reviewing the *Policy on Occupational Health and Safety* and the *Policy on Prevention of Harassment or Violence in the Workplace* and supporting protocols at the beginning of each year;
- reviewing any related instruments on an annual basis;
- supplying an effective strategy to manage the occupational health and safety concerns of the Institute;
- ensuring that workplace health and safety, hazard identification and workplace risk assessment inspections are conducted;
- receiving and reviewing any injury or incident forms, inspection and health and safety audit reports, and the *Workplace Violence Risk Assessment Report*;
- participating in the investigation of critical injuries and in the investigation of reported incidents that result in personal injury or have the potential to result in injury;
- making recommendations as necessary;
- accompanying a Ministry of Labour inspector on investigations and inspections of the workplace;
- presenting an annual report on the Institute's Health and Safety status to the Senior Management Committee (SMC); and
- maintaining confidentiality except where disclosure of information is required by law.

## **6.3 Employee and Family Assistance Program (EFAP)**

The EFAP is a professional, confidential, and proactive service to support employees and their families with a wide range of personal, family, and work-related concerns. One-on-one support is available and should be

encouraged as a first line of support and intervention when an employee, their spouse or dependent shows signs of distress.

#### **6.4 Director, Operations**

The Director, Operations supports the CEO by:

- ensuring the monitoring of the performance of the Institute concerning the application and administration of this Policy and its instruments.

#### **6.5 Director, Finance**

The Director of Finance provides financial strategic advice and administrates contracting services. As such, the Director, Finance is responsible for the application of the Policy by:

- ensuring that contributors are kept informed of this Policy and related protocols and that they comply with it.

#### **6.6 Manager, Human Resources and Workplace Management (HRWM)**

The Manager, HRWM supports the CEO, the Director, Operations, and the Delegated Managers by:

- developing, reviewing administrative updates to the HRWM policies, directives and tools;
- providing and assisting the Delegated Managers with the necessary direction, interpretation, guidelines, training, information sessions, procedures, forms, and tools;
- posting a copy of this Policy in a conspicuous place in the workplace;
- ensuring that any mandatory training and refresher training are taken according to this Policy;
- acting as the co-chair of the CMSS;
- receiving and reviewing any injury or incident forms, inspection and health and safety audit reports, and the *Workplace Violence Risk Assessment Report*;
- ensuring that the appropriate documentation is gathered and maintained in the employee file or other appropriate file;
- proceeding with the appropriate follow up with internal or external key players, when required;
- providing appropriate assistance to any complainant or witness;

- retaining and disposing of all documents per *the Information Management Retention and Disposition Guidelines (under review)*.

## 6.7 Delegated Managers

Delegated Managers are responsible for following this Policy by:

- understanding and complying with the Policy and supporting tools;
- ensuring that their employees have access to this Policy and supporting tools;
- seeking advice and guidance from the Manager, HRWM, when necessary;
- respecting their sub-delegation according to the *Instrument of Delegation of Human Resources Authorities*;
- providing employees with information on this Policy;
- referring employees to EFAP when necessary;
- ensuring that both they and their employees participate in relevant information sessions and mandatory training;
- ensuring that appropriate documented authorities are provided to the HRWM department promptly; and
- contributing to a positive work environment by identifying, discouraging, and reporting comments or activities contrary to the *Policy on Harassment and Violence in the Workplace*.

## 6.8 Employees

Employees are responsible for following this Policy by:

- understanding, adhering to and complying with the *Policy on Prevention of Harassment and Violence in the Workplace* and supporting tools;
- participating in any relevant information sessions and mandatory training;
- providing appropriate documentation, when required, in a timely matter; and
- contributing to a positive work environment by identifying, discouraging, and, reporting activities contrary to this Policy and protocols.

## 6.9 Contributors

Contributors are responsible for:

- familiarizing and complying with the contents of the Policy and supporting protocols and tools; and
- contributing to a positive work environment by identifying, discouraging, and reporting comments or activities contrary to this Policy and protocols.

## 7. References

- National Judicial Institute General Operating By-law No.1
- [Occupational Health and Safety \(OHS\) Act](#)
- [Act Respecting Labour Standards \(QC\)](#)
- [Act respecting occupational health and safety \(QC\)](#)
- [Ontario Human Rights Code](#)
- [Charter of Human Rights and Freedoms \(QC\)](#)
- [Canadian Human Rights Act;](#)
- [Criminal Code](#) (Canada)

## 8. Enquiries

**Delegated Managers:** Please direct enquiries to the Manager, HRMW.

**Employees:** Please direct enquiries to your Delegated Manager.

**Contributors:** Please direct enquiries to your Contracting Manager.

# Policy Obligations

## 1. Introduction

1.1 The Institute is committed to providing a work environment free from harassment and incidents of violence in the workplace. To that end, the Institute takes the necessary steps to prevent workplace violence and harassment, investigates reported incidents of workplace violence and harassment, assesses any ongoing risk of workplace violence, and develops and maintains this Policy and Protocols. The Institute is proud of its climate of respect and professionalism and remains committed to ensuring the safety of our employees and contributors.

1.2 All incidents and alleged incidents of harassment or violence in the workplace, regardless of magnitude or and whom it may involve, will be treated seriously and must be reported immediately to the Delegated Manager and, when required, to the police. All concerns will be addressed fairly.

1.3 In pursuit of this goal, the Institute does not condone and will not tolerate harassment or violence by any individual in the workplace.

1.4 All individuals are reminded of their obligation to uphold the Institute's fundamental principles, to treat others with mutual respect, and to adhere to the human resources policies and instruments aimed at promoting a positive work environment for all individuals and a higher level of care for our clients.

1.5 This Policy and Protocols do not limit the right of an individual to report harassment or violence in the workplace to the police, to pursue other legal remedies available to the employee or contributor, or to seek legal or other professional advice.

## 2. Proof of Compliance

2.1 Newly-appointed employees sign and date the *HRWM-0013E Policy Acknowledgement and Acceptance Form* confirming that they have read, understand and agree to adhere to the National Judicial Institute's policies.

2.2 As a contributor, contractors sign and date the *FIN-0011E Policy Acknowledgement and Acceptance Form (Contractor)*, confirming that they have read and agree to adhere to the *Policy on Prevention of Harassment and Violence in the Workplace* and the *Protocol for Prevention of Harassment in the Workplace* and the *Protocol for Prevention of Violence in the Workplace*.

## 3. Mandatory Training

3.1 The newly appointed employees must complete the mandatory training in the first two (2) weeks of their start date at the Institute.



3.2 The training covers the following elements:

- The different forms of bullying, harassment and violence in the workplace;
- Ways of recognizing bullying, harassment and violence in the workplace
- The roles and responsibilities of the parties;
- The elements and mechanisms set out in this policy; and
- Civility and respect in the workplace.

3.3 Employees responding to a complaint or report will receive training to ensure they are trained on best practices at least once every two years.

3.4 All employees and Delegated Managers must complete on-line mandatory refresher training every two (2) years.

3.5 As part of their course materials, clients, program faculty, and planners are notified that the Institute is committed to a workplace free from harassment and violence. A copy of this Policy is available on the Institute's website.

#### **4. Methods and techniques used to identify, control and eliminate risks of psychological harassment, including conduct of a sexual nature**

4.1 To identify, control and eliminate risks related to psychological harassment, including conduct of a sexual nature and violence in the workplace, the Institute implements various methods and techniques, including the following:

- disseminating the Policy in such a way as to make it accessible to all individuals;
- reviewing this policy periodically, as required, and making any necessary adjustments;
- promoting respect and informing contributors of the various forms of violence, bullying and harassment, including conduct manifested through words, acts or gestures of a sexual nature;
- sensitizing individuals to their roles and responsibilities in preventing violence and harassment, notably during social events related to work;
- consulting individuals on situations specific to their workplace that could lead to the appearance of harassment or violence in the workplace;
- discussing with employees leaving the workplace the reasons for their departure; and
- having a diligent process for handling complaints and reports.

## 5. Definition of Harassment in the workplace

5.1 Per the Occupational Health and Safety (OHS) Act, and, if applicable, the Ontario Human Rights Code or Charter of Human Rights and Freedoms of Quebec respecting Labour Standards:

Sexual harassment in the workplace is defined as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker, and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

5.2 Psychological harassment is defined in the *Quebec Act respecting labour standards* as any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affect an individual's dignity or psychological or physical integrity and that results in a harmful work environment for the individual. For greater certainty, psychological harassment includes such behaviour in the form of verbal comments, actions or gestures of a sexual nature. A single severe incidence of such behaviour that has a lasting harmful effect on an individual may also constitute psychological harassment.

5.3 Harassment may also be considered a form of discrimination under the *Ontario Human Rights Code* or the *Quebec Charter of Human Rights and Freedoms of Quebec* when it is tied to one or more of the prohibited grounds under applicable legislation (race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability).

5.4 Workplace harassment is not a reasonable action taken by the Institute or a Delegated Manager or supervisor relating to the management and direction of individuals or the workplace. Workplace harassment does not include legitimate business decisions or actions relating to the individual's employment, including a legitimate decision to change the work or the working conditions, monitor and manage performance, impose discipline, or terminate employment.

## 6. Definition of Violence in the Workplace

6.1 Per the *Occupational Health Safety Act*, and the *Charter of Human Rights and Freedoms of Quebec, chapter N-1.1, Act respecting Labour Standard*. Violence in the Workplace includes psychological and physical violence, such as:

- (a) the exercise of physical force by an individual against a worker in a workplace that causes or could cause bodily injury to the worker;
- (b) an attempt to exercise physical force against a worker in a workplace that could cause bodily injury to the worker;
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a workplace that could cause bodily injury to the worker.

6.2 As an example, workplace violence includes, but is not limited to, the following:

- All threatening behaviour such as violent gestures, property damage, vandalism, sabotage, and thrown objects;
- Any form of expression of intent to inflict harm, such as oral or written threats;
- Any verbal excesses such as swearing, insults or condescending language;
- Any physical assault, such as hitting with the hand or foot, pushing, shoving, etc.

6.3 Workplace violence can also include sexual violence as well as domestic (spousal) or family violence, where there is a nexus between the violence and the workplace.

6.4 **Sexual violence** means any form of violence targeting sexuality or any other misconduct, including unwanted gestures, practices, comments, behaviours or attitudes with sexual connotations, whether they occur once or repeatedly, including violence relating to sexual and gender diversity.

6.5 **Domestic (spousal) and family violence** includes any form of violence brought into the workplace arising out of an act of violence committed against an individual by that individual's spouse or family member.

6.6 Domestic (spousal) and family violence can manifest itself in a variety of ways, including:

- Harassment by telephone, email or text;
- Frequent intrusions by the abuser into the victim's workplace;
- Communication of the abuser to co-workers or employer, etc.;

The victim may also be followed and harassed at or near the workplace.

## **7. Violence in the Workplace**

7.1 If an individual feels threatened by violence in the workplace, they should immediately call 911. Canada's Criminal Code addresses violent acts, threats, and behaviours, such as stalking.

7.2 Depending on the circumstances, the police should be contacted when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence.

## **8. Reporting Harassment or Violence in the Workplace**

8.1 Individuals who believe they have witnessed or experienced harassment in the workplace are required to report the incident, as outlined in the *Protocol for Prevention of Harassment in the Workplace*.

8.2 Individuals who believe they have witnessed, experienced or perceived violence in the workplace are strongly encouraged to report the incident as outlined in the *Protocol for Prevention of Violence in the Workplace*.

8.3 Delegated Managers are required to report any incident or allegation of harassment or violence in the workplace that comes to their attention.

8.4 If an individual is protected by a court order (e.g. a peace bond or "no-contact" order) from another individual, the individual is encouraged to notify and supply a copy of that bond or order to the Manager, HRWM, so that the Institute may take reasonable steps to protect them and protect the workplace. Such information will be kept confidential in accordance with the law.

8.5 Any individual who is a victim or has knowledge of domestic violence and believes that such violence may occur in the workplace is required to inform the Manager, HRWM to ensure that the Institute takes all reasonable precautions to ensure both their safety as well as the safety of other individual.

8.6 This Policy and the *Occupational Health and Safety Act* prohibit reprisals against individuals acting in good faith who report harassment or violence in the workplace, participate in a process initiated by the Institute under this Policy or provide information relating to a complaint or incident of this nature. Any employee who engages in retaliation or threat of retaliation will be subject to severe disciplinary action, including dismissal.

## **9. Weapons**

9.1 Weapons are strictly prohibited from the Institute's workplace. If any individual is seen with a weapon or is known to possess one in the workplace, employees or contributors must immediately contact 911 and notify their Delegated Manager and the Manager, HRWM.

## **10. Fraudulent or Malicious Complaints**

10.1 This Policy must never be used to bring fraudulent or malicious complaints.

10.2 Intentional accusations or knowingly made false statements regarding an allegation of harassment or violence in the workplace is a severe offence and is subject to disciplinary action.

10.3 The Institute reserves the right to discipline those whose reports or complaints are frivolous or vexatious. Any interference with the conduct of an investigation or retaliation against a complainant, respondent, or witness may result in disciplinary action.

## **11. Breach of Policy**

11.1 Harassment and Violence in the workplace is a serious offence. If a report or complaint of harassment or an act or threat of violence in the workplace proves to be founded, the individual incriminated will be subject to immediate disciplinary measures, which may include termination of the employment contract or engagement with the Institute.

11.2 The criteria for determining the level of disciplinary action will be based on fact and will consider harm to the individual, the Institute and its reputation, and whether or not there was an unequal power relationship.

## **12. Confidentiality**

12.1 Information about complaints and fact-finding reports of perceived risks of violence and incidents shall be kept confidential to the fullest extent possible. Information about any individuals involved will not be disclosed unless disclosure is necessary to protect employees, investigate the complaint or incident, take corrective action, or otherwise, as required by law.

12.2 While the investigation is ongoing, the complainant, the respondent and any witnesses shall not discuss the incident, complaint, or investigation with each other or other employees or witnesses.

12.3 In addition, the Institute implemented the following measures to protect the confidentiality of any documentation, complaint, information or report by:

- ensuring that only those individuals who need the documentation relating to the complaint in the course of their duties have access to it;
- implementing adequate security measures to protect all documentation and information from unauthorized use;
- reminding individuals involved in any stage of the complaint handling procedure of their confidentiality obligations; and
- having all individuals involved and concerned in an investigation process under this Policy sign the *HRWM-0014E Non-Disclosure Agreement Form*.

### **13. Information Management**

13.1 The HRWM department maintains relevant documents in the employee file.

13.2 All documentation is retained or destroyed in accordance with the *Information Management Retention and Disposition Guidelines (under review)*.

## **Appendix A – List of Policies, Directives and Instruments**

*(Last updated November 28, 2024)*

### **Human Resources Management (HRM)**

#### ***Policy on Human Resources Management (HRWM) (under review)***

- *Organisational Design and Position Management Program (HRWM) (under review)*
- *NJI-Job Evaluation Plan (HRWM)*
- *Program on Recruitment and Staffing (HRWM) (to be developed)*
- *Employment Directive for Executives (HRWM)*
- *Employment Directive for Department Managers/Managers (HRWM)*
- *Employment Directive for Excluded Employees (HRWM)*
- *Remote Work Guidelines (HRWM) (under review)*
- *Grievance Process Guide (HRWM)*
- *Grievance Process Chart (HRWM)*
- *Program on Award and Recognition (HRWM) (under review)*
- *Directive on Training and Professional Development (HRWM) (under review)*
- *Directive on Official Languages Training (HRWM)*
- *Performance Management Program (HRWM)*
- *Glossary Terms and Definitions (NJI) (to be developed)*

#### ***Policy on the Right to Disconnect from Work (HRWM)***

#### ***Discipline Policy (HRWM)***

#### ***Policy on Conflict of Interest (HRWM)***

#### ***Policy on Compensation for Executive, Department Manager/Manager and Excluded Positions (HRWM)***

- *Directive on Pay Administration (HRWM)*
- *Directive on Time off with Pay, Leave Without Pay and Leave with Pay (HRWM)*
- *Performance Reward Plan for Executives (HRWM)*
- *Performance Reward Plan for Department Managers/Managers (HRWM)*

***Policy on Prevention of Harassment and Violence in the Workplace (HRWM)***

- *Protocol for Prevention of Harassment in the Workplace (HRWM)*
- *Protocol for Prevention of Violence in the Workplace (HRWM)*

***Policy on Occupational Health and Safety (HRWM)***

***Policy on Duty to Accommodate (HRWM)***

***Policy on Accessibility (HRWM)***

***Policy on Equity, Diversity and Inclusion in the Workplace (HRWM)***

***Instrument of Delegation of Human Resources Authorities (under review)***

***Collective Agreement***

***Finance (FN)***

***Policy on Financial Management (FN)***

- *Financial Authorities Framework (FN)*
  - *Chart on Financial Delegation Authorities and Reference Guide (FN) (under review)*
- *Directive on Acquisition and Procurement (FN)*
- *Directive on Travel and Expense Management (FN)*
- *Directive on Faculty Honoraria and Fees (FN) (under review)*
- *Directive on Hospitality and Event Expenditures (under review)*
- *Mobile Device Entitlement Guidelines (FN) (under review)*

***Policy on Payment Authorizations (FN)***

- *Directive on Corporate Credit Cards (FN)*
- *Directive on Professional Fees Reimbursement (FN) (under review)*

***Policy on Reserves (FN) (under review)***

- *Directive on Capital Asset Management (FN)*

***Policy on Internal Controls over Financial Management***

- *Financial Internal Controls Framework*



- *Chart on Internal Controls Measures Over Financial Management (to be developed)*

## **Information Technology (IT)**

### ***Policy on Information Systems and Technology Management (IT)***

- *Directive on Acceptable-Unacceptable Use of IT Equipment and Assets (IT)*
- *Directive on Electronic Network and Data Management (IT)*
- *Directive on Management and Acceptable Use of Email (IT)*
- *Directive on Social Media (IT) (to be developed)*

### ***Policy on Electronic Monitoring (IT)***

## **Operations**

### ***NJI Policy Development Framework (Operations) (under review)***

### ***Policy on Information Management (Operations)***

- *Guide on Information Management (Operations) (under review)*
- *Information Management Retention and Disposition Guidelines (under review)*

### ***Policy on Risk Management (Operations) (under review)***

- *Risk Management Framework (Operations) (under review)*
- *Risk Management Guidelines (Operations) (under review)*
- *Business Continuity Plan (BCP) (Operations)*
- *Disaster Recovery Plan (DRP) (Operations)*
- *Emergency Response Plan (ERP) (Operations)*
- *Cyber Incident Response Plan (Operations) (under review)*

## Appendix B – Definitions

***Abuse of Power:*** occurs when an individual abuses or misuses their power and discretion for personal benefit or the benefit of another individual.

***Bullying:*** offensive, cruel, intimidating, or humiliating behaviour, whether intended or not, potentially including the abuse of power. Bullying behaviour, whether physical or verbal, direct or indirect, undermines the individual's right to dignity.

***Complainant:*** refers to the individual who experiences an alleged act of workplace harassment or violence and then registers the official complaint against the person (respondent) who allegedly committed the act of harassment or violence.

***Reprisal:*** any act of retaliation, either direct or indirect.

***Respondent:*** the individual accused of committing an act of workplace harassment or workplace violence by a complainant or a witness.

***Vexatious comment or conduct:*** the intentional act of purely attempting to cause annoyance, frustration, or embarrassment to another individual without grounds.

***Witness*** refers to an individual who either witnesses or is made aware of an alleged act of workplace harassment or workplace violence.

## POLICY AMENDMENTS

Date	Amendments	Approval
2024-11-12	<ul style="list-style-type: none"><li>Modified section 4. Authorities to reflect changes to Bylaw - January 2024;</li><li>Added to the Policy, the management and prevention of psychological harassment, as per Quebec Bill 42; and</li><li>Review Policy to reflect changes to NJI Policy template and branding.</li></ul>	CEO