

The Canada Labour Code – Know your rights and responsibilities

On January 1, 2021, changes to the Canada Labour Code came into force for federally regulated workplaces. The changes clearly position harassment and violence as an occupational health and safety issue and obligate employers to act.

The Resolution Process is an important part of the Canada Labour Code.

If you work in a federally regulated workplace, knowing about the resolution process and your rights and responsibilities is important.

The resolution process includes steps to be taken when a report of harassment or violence is made. The goal of the resolution process is to avoid further harassment and to keep you safe.

You have the right to be accompanied by a support person in all parts of the resolution process.

THE 4 PARTS OF THE RESOLUTION PROCESS



Notice of Occurrence (report)

1. A disclosure or report is made

In the Canada Labour Code, a notice of occurrence is the same as a disclosure or report. The employer must resolve every incident of harassment and violence.



Negotiated Resolution

2. Negotiated resolution: responding to a situation

After an employer becomes aware of an incident, an assessment will be made as to whether the incident fits the definition of harassment and violence in the Canada Labour Code. You have a say. This assessment must be made jointly by you and your employer.



Conciliation

3. Conciliation

Conciliation is an optional step. The person who has experienced harassment and the alleged harasser may attempt to resolve the situation

Conciliation happens only if both parties agree to do so and agree on who will facilitate.



Investigation

4. Investigation

An investigation must be carried out if an incident of harassment or violence is not resolved in the previous parts of the resolution process. You can request that an investigation be carried out. All parties must agree on the investigator.

Some important things you should know about investigations:

- All efforts to resolve the situation can continue while an investigation is ongoing.
- After the investigator has submitted their report, the employer must carry out the recommendations made.
- The investigation report must not reveal the identity of persons who are involved in an incident of harassment or violence or in the resolution process.