

Directive on Discrimination and Harassment Free Workplace

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1. Effective date

The Directive on Discrimination and Harassment Free Workplace came into effect on October 21, 2016, following approval by the Assistant Commissioner of the Human Resources Branch (HRB) of the Canada Revenue Agency (CRA).

This directive replaces the December 17, 2015 Directive on Discrimination and Harassment Free Workplace.

See [section 11](#) for the version history of this document.

2. Application

This directive applies to employees of the Canada Revenue Agency (CRA) and to any other individuals required to follow CRA policy, and is mandatory to follow.

This directive also applies to candidates for employment identified as [designated group members](#) under the [Employment Equity Act \(EEA\)](#) or protected under the [Canadian Human Rights Act \(CHRA\)](#).

Throughout this directive, the word 'employee' includes permanent employees, temporary employees, students, and managers, except where otherwise noted ([section 7.6](#)).

Throughout this directive, the term 'candidates for employment' includes individual job

applicants from outside the CRA and employees who are participating in a staffing process.

The [Code of Integrity and Professional Conduct](#) highlights the rules, and describes the values, that guide CRA employees in their work. The Code, along with the [CRA Foundation Framework for Corporate Policy](#), sets out the requirement to follow CPIs.

Consequences of non-compliance: failure to comply with CPIs may result in corrective measures, including administrative and disciplinary actions.

To help interpret and implement this directive, key terms are defined in the [Workplace Management-Glossary of Definitions](#).

3. Related corporate policy instruments

This directive flows from the [Policy on Workplace Management](#)

This directive is supplemented by, and must be read and implemented in conjunction with the [Directive on Early Intervention and Return to Work](#) and the [Early intervention and return to work \(EIRTW\) Approach](#) for matters related to persons with disabilities.

Additional mandatory requirements are set out in the [Procedures on the Duty to Accommodate](#), which support this directive.

For any other related CPIs, see [References](#).

4. Overview

The CRA is committed to providing a workplace free from discrimination and harassment. Discrimination and harassing behaviour is not tolerated. By promoting respectful behaviour and providing reasonable accommodation, the CRA supports the well-being of all employees and candidates for employment, while respecting its legislated duty to accommodate.

The duty to accommodate arises from the CHRA and the EEA. These Acts share a common purpose and supplement each other.

In support of the Policy on Workplace Management, this directive promotes a respectful workplace that recognizes and welcomes differences, promotes diversity, encourages ongoing communication and engagement, requires managers and employees to address [discrimination](#) and [harassment](#) from the outset, and supports managers in the [duty to accommodate](#).

Additional mandatory requirements are set out in the [Procedures on the Duty to Accommodate](#), which support this directive.

5. Objective and outcomes

5.1 Objective

To establish and implement a clear and standardized approach to:

- increase awareness and understanding of the CRA's approach to a discrimination and harassment free workplace;
- prevent, promptly identify, and fairly resolve workplace discrimination and harassment;
- eliminate employment barriers faced by designated group members, including candidates for employment; and,
- fulfill the duty to accommodate by providing reasonable accommodation of employment-related needs of employees and candidates for employment.

5.2 Outcomes

5.2.1 Employees are aware of their rights and responsibilities in respect of the CHRA and the EEA.

5.2.2 Employees can access resources for preventing and resolving discrimination and harassment without fear of reprisal.

5.2.3 Employees and candidates for employment who face barriers based on a [prohibited ground](#) of discrimination are provided with reasonable accommodation for their employment-related needs.

5.2.4 Behaviour and barriers that contravene the CHRA or EEA or are otherwise found to constitute discrimination or harassment are consistently addressed in a prompt manner.

5.2.5 The CRA demonstrates its commitment to providing a workplace free from discrimination and harassment and the CRA fulfills its duty to accommodate.

6. Requirements

6.1 Preventing discrimination and harassment

Managers and employees must:

- detect, identify and address employment barriers, discrimination and harassment at the earliest opportunity to eliminate negative impacts in the workplace.
- use [informal conflict resolution techniques](#) as early and as often as possible.
- seek guidance and support from [Informal Conflict Resolution Practitioners](#), union representatives (for represented employees) or [EAP service providers](#) to help

resolve situations and prevent them from escalating to the point where submitting a discrimination or harassment grievance or complaint is considered necessary.

Managers must:

- provide information about accommodation procedures to employees and candidates for employment.
- provide reasonable accommodation in the workplace.

Employees and candidates for employment must:

- request accommodation, if necessary.

6.2 Resolving discrimination and harassment

Employees have access to [recourse](#) for matters of discrimination and harassment and can file allegations without fear of reprisal. The delegated manager for complaints of discrimination or harassment must resolve discrimination and harassment allegations as set forth in the Discrimination and Harassment Resolution Process.

6.3 Documentation

Managers, discrimination and harassment consultants and labour relations advisors must document information in a detailed and factual manner in accordance with the Discrimination and Harassment Resolution Process, the Procedures on the Duty to Accommodate and related application tools. In support of sustainable development, information will be documented electronically, when feasible.

6.4 Monitoring and reporting

The Human Resources Branch will monitor the administration and application of **the** Discrimination and Harassment Resolution Process, the Procedures on the Duty to Accommodate, and the relevant requirements set forth in the CHRA and EEA.

Workplace Relations Centres of Expertise (Regions) and the Discrimination and Harassment Centre of Expertise must report discrimination and harassment data to the Human Resources Branch. In support of sustainable development, the monitoring and reporting activities will be conducted electronically, when feasible.

6.5 Communication

The Human Resources Branch will communicate relevant information related to this directive, as applicable.

Managers must communicate to employees the expected behaviours, rights and responsibilities in respect of the CHRA and EEA and convey the seriousness with which discrimination and harassment are viewed.

7. Roles and Responsibilities

In addition to the roles and responsibilities outlined in the Policy on Workplace Management, the following responsibilities are specific to this directive.

7.1 Assistant Commissioner, Human Resources Branch (HRB)

- Monitors adherence to the requirements of this directive and, in instances of non-compliance, may direct delegated managers not to exercise their Delegation of Human Resources Authorities.

7.2 Director General, Workplace Relations and Compensation Directorate (WRCD)

- Oversees the development and administration of this directive and related corporate policy instruments;
- Oversees the assessment and review activities related to this directive in respect of discrimination and harassment;
- Oversees the functional direction and guidance on discrimination and harassment matters further to this directive; and,
- Oversees the development of communication and learning products related to discrimination and harassment and related corporate policy instruments.

7.3 Director General, Employment Programs Directorate (EPD)

- Oversees the ongoing review of policies and practices to identify and eliminate employment barriers faced by employees and candidates for employment belonging to designated groups as defined in the EEA;
- Oversees the assessment and review activities related to this directive in respect of employment equity;
- Oversees the functional direction and guidance on employment equity matters further to this directive; and,
- Oversees the development of communication and learning products related to employment equity and related corporate policy instruments.

7.4 Director General, National Operations – HR Programs Directorate

- Oversees the operational direction, guidance and monitoring provided by the Discrimination and Harassment Centre of Expertise;
- Oversees the delivery of training and promotion of this directive and related tools; and
- Oversees the management of data related to discrimination and harassment that is reported to the Workplace Relations and Compensation Directorate (WRCD).

7.5 Director, Labour Relations Division (LRD) and Director, Official Languages, Employment Equity and Diversity Division (OLEEDD)

- Provides strategic advice and guidance on how this directive and related corporate policy instruments are applied;
- Coordinates, directs, and administers the development of this directive and its related corporate policy instruments;
- Assesses, monitors, and implements activities related to this directive and related corporate policy instruments;
- Provides functional direction and guidance on discrimination and harassment matters further to this directive; and,
- Is accountable for corporate reporting of discrimination and harassment data on behalf of the Human Resources Branch.

7.6 Managers

- Actively support compliance with this directive and related policy instruments;
- Prevent and resolve discrimination and harassment and support employees in the prevention and resolution of discrimination and harassment;
- Advise employees of services available through CRA programs and services including the Employee Assistance Program and Informal Conflict Resolution Program as applicable;
- Administer their delegated authority in accordance with the [Delegation of Human Resource Authorities](#) instrument and this directive;
- Ensure that no employee risks reprisal as a result of submitting recourse in good faith, or being a party to an investigation into a complaint or grievance of discrimination or harassment; and,
- Ensure employees' rights and dignity are respected throughout.

7.7 Directors – Human Resources (regions)

- Support the Assistant Commissioners of branches and regions in promoting a consistent response to discrimination and harassment; and,
- Ensure the integrity of grievance status data related to discrimination and harassment.

7.8 Delegated Manager for Complaints of Discrimination or Harassment

- Responds to complaints and grievances of discrimination and harassment in accordance with this directive and supporting tools, the [Delegation of Human Resource Authorities](#), [collective agreements](#) and [recourse procedures](#);
- Consults with the Labour Relations Advisor for advice and guidance when recourse has been filed;
- Oversees the management and timely conduct of investigations into complaints and grievances in accordance with the Discrimination and Harassment Resolution Process;
- Determines, in consultation with the Informal Conflict Resolution Practitioner or Labour Relations Advisor, restorative measures upon the outcome of the resolution process, when restorative measures apply;
- Provides support to managers when restoring the workplace following a complaint or grievance of discrimination or harassment; and,
- Promotes the Discrimination and Harassment Free Workplace processes and tools to all relevant stakeholders.

7.9 Discrimination and Harassment Consultants (DHC)

- Provide information and neutral guidance to employees;
- Assess each situation, screen discrimination and harassment complaints and grievances in support of the implementation of activities and actions of the delegated manager, in collaboration with relevant stakeholders, towards a timely and effective resolution given the individual circumstances of the case;
- Oversee investigations (including the contracting process) into complaints and grievances in accordance with the Discrimination and Harassment Resolution Process;
- Provide subject matter expertise to the delegated manager when dealing with a complaint, or the content included in a grievance, on discrimination and harassment;

- Liaise with, and engage, relevant stakeholders as required throughout the investigation process;
- Perform all tracking and reporting functions associated with discrimination and harassment complaints or grievances and related internal or external investigations;
- Hold primary accountability for the maintenance of discrimination and harassment case files and related data;
- Deliver training as required, towards ensuring understanding of the Discrimination and Harassment Resolution Process and consistency of practice, in adherence to this directive;
- Provide insight into current human rights related case law as it pertains to CRA practices; and,
- Promote the Discrimination and Harassment Free Workplace processes and tools to all relevant stakeholders.

7.10 Labour Relations Advisors

- Consult with the Discrimination and Harassment Consultant on workplace situations of discrimination and harassment which may require Labour Relation specific intervention (for example the separation of parties or suspension without pay);
- Provide assistance with the grievance process to the delegated manager when dealing with grievances related to discrimination and harassment;
- Provide advice and guidance to managers as required on labour relations aspects of discrimination, harassment or accommodation cases, including adherence to collective agreements, relevant CRA policies and procedures, and the CHRA; and,
- Hold primary accountability for the maintenance of grievances case files pertaining to discrimination and harassment, accommodation case files, and related data.

7.11 Employees

- Act professionally and respectfully in compliance with this directive and related corporate policy instruments;
- Prevent and resolve discrimination and harassment and be familiar with this directive and related application tools;
- Inform the manager or staffing board about the adverse effects of a physical or other employment barrier based on a prohibited ground of discrimination under the CHRA or EEA;
- Promptly inform any person that their behaviour is unwelcome and strive to resolve the matter cooperatively and informally when they observe or believe they have been subjected to behaviour that could be considered to be discrimination or harassment;
- Seek support and guidance from their manager, the Discrimination and Harassment Consultant, Informal Conflict Resolution practitioners and/or the union;
- Submit relevant recourse, when they observe or believe they have been subjected to discrimination or harassment and in good faith consider that the matter has not and cannot be resolved informally; and,
- Participate cooperatively in any investigation of discrimination or harassment, respecting confidentiality throughout.

8. Review and assessment

The HRB is responsible for the scheduled review of this directive every five years, as well as for any *ad hoc* reviews when necessary.

To support the review process, the HRB will identify and undertake any monitoring and assessment activities to help it determine if the directive is relevant, achievable, effective and being followed.

9. References

The Directive on Discrimination and Harassment Free Workplace is based on the authorities set out in the legislation listed below. The directive must be administered and implemented in conjunction with the other references listed below:

Legislation

- [Access To Information Act](#)
- [Canada Labour Code, Part II](#)
- [Canada Revenue Agency Act](#)
- [Canadian Human Rights Act](#)
- [Canadian Charter of Rights and Freedoms](#)
- [Employment Equity Act](#)
- [Privacy Act](#)
- [Official Languages Act](#)
- [Public Servants Disclosure Protection Act](#)
- [Federal Public Sector Labour Relations Act](#)

Related instruments and information:

- [Code of Integrity and Professional Conduct](#)
- [CRA Foundation Framework for Corporate Policy](#)
- [Independent Third Party Review \(ITPR\) Process](#)
- [Directive on Discipline](#)
- [Directive on Early Intervention and Return to Work](#)
- [Directive on leave and special working arrangements](#)
- [Directive on Occupational Health and Safety](#)
- [Procedures in Response to Workplace Violence](#)
- [Directive on Performance Management and Recognition](#)
- [Directive on Performance Management for the Executive \(EX\) group](#)
- [Directive on Terms and Conditions of Employment](#)
- [Guide to the Informal Conflict Resolution Program](#)
- [Policy on Workplace Management](#)
- [Procedures on the Duty to Accommodate](#)
- [Procedures for Handling Grievances - Labour Relations](#)
- [Procedures for Recourse on Staffing \(Staffing Program\)](#)
- [Procedures for Staffing \(Staffing Program\)](#)
- [Values and Ethics Code for the Public Sector](#)

Other References

- [Canada Occupational Health and Safety Regulations, Part 20](#)
- [Collective Agreements](#)
- [CRA Guide for the Investigation of Discrimination and Harassment](#)
- [Delegation of Human Resources Authorities](#)
- [Discrimination and Harassment Resolution Process](#)
- [Guide to the Employee Assistance Program](#)
- [Guide to the Informal Conflict Resolution Program](#)
- [Accommodation During Assessment](#)

10. Enquiries

Direct questions about this directive to the [HR Service Centre](#).

11. Version history

Version #	Change(s)	Reason for change(s)	Area responsible	Major change - Approved by: Minor change- Sign-off by: (name and title)	Approval date	Effective date
1.0	New CPI	N/A	WRCD, HRB	Assistant Commissioner, Human Resources Branch	September 9, 2015	December 17, 2015
1.1	Changes to section 7.9	Update role title to Discrimination and Harassment Consultant; Removal of «functional» from third responsibility.	WRCD, HRB	Assistant Commissioner, Human Resources Branch	November 30, 2015	December 17, 2015
1.2	Change to section 7.5	Change role title to Director, Labour Relations Division (LRD) due to change in reporting structure.	LRD, WRCD, HRB	Director, Labour Relations Division, Human Resources Branch	April 6, 2016	April 6, 2016
2.0	Change to section 4 Change to section 6 Change to section 7.4	Changes to Introduction Changes to title and content of section 6.2 to include resolution and link to recourse table Removal of requirement 6.6 Supporting infrastructure	LRD, WRCD, HRB	Assistant Commissioner, Human Resources Branch	October 21, 2016	October 21, 2016

		Change role title to Director General, National Operations – HR Programs Directorate				
2.1	Change 5.2.3 Change to 7.6 Change to 7.8	Modification to the prohibited grounds definition (located in the Workplace Management Glossary) Updated the title and the link to the Delegation of Human Resource Authorities Addition of reference to the Delegation of Human Resource Authorities	LRD, WRCD, HRB	Assistant Commissioner and Chief Human Resources Officer, Human Resources Branch	August 15, 2017	August 15, 2017
2.2	Change to section 7.4, 7.5, 7.6 Change to 7.9 and 7.10 Changes to 2, 3, 4, 8	Changes to clarify data and reporting responsibilities Changes to reflect Discrimination and Harassment Consultants as point of contact for investigators instead of Labour Relations Advisors. Changes to align with the updated Corporate Policy Instrument Directive Template	LRD, WRCD, HRB	Assistant Commissioner and Chief Human Resources Officer, Human Resources Branch		

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