Chronological No OIC-2025-45

File Reference: GOV-01

Date: 03 07 2025
Day Month Year

KWANLIN DÜN FIRST NATION

ORDER IN COUNCIL

ORDER IN COUNCIL TITLE:

AMENDMENT TO THE WORKPLACE HARASSMENT AND VIOLENCE PREVENTION POLICY

THE COUNCIL ORDERS THAT the Workplace Harassment and Violence Prevention Policy first adopted through OIC-2021-13 is amended as set out in the schedule of amendments attached to this Order and marked as Schedule 'A'.

The Seal
of the Kwanlin Dün
First Nation

Chief Sean Smith

Cross Reference: OIC-2021-13

CERTIFIED AND DEPOSITED
IN THE KWANLIN DÜN FIRST NATION
REGISTRY OF LAWS AND POLICIES

2025 08 08
YYYY MM DD

Executive Council Office

Schedule A
OIC-2025-45

Schedule of Revisions to Workplace Harassment and Violence Prevention Policy

Under Provision 3. Designated Recipient

a. Removed the Manager of Human Resources and replaced with Occupational Health and Safety Specialist.

Under 6.3 Designated Recipient

a. Removed the Manager of Human Resources and replaced with Occupational Health and Safety Specialist.
b. Added the following provision:
"To deliver to the Executive Director a monthly summary of all notice of occurrences, resolutions, and investigation processes.

Under Provision 8. Notice of Occurrence

a. Removed the Manager of Human Resources and replaced with Occupational Health and Safety Specialist.
b. Added the following provision:
"Employees who witness harassment or violence have the option of providing their notice of occurrence anonymously."

Kwanlin Dün First Nation
Workplace Harassment and Violence Prevention Policy

Initial Approval Date: June 10, 2021	**Revised Date:** July 3, 2025
Legislative Authority: KDFN Constitution	**Policy Authority:** OIC-2021-13, OIC-2025-45
Administrative Authority: Human Resources	

1. PURPOSE

The purpose of this policy is to support Kwanlin Dün First Nation in the prevention and resolution of workplace harassment and violence.

In recognition that lateral violence is a component within workplace harassment and violence, this policy also supports Kwanlin Dün First Nation in the identification, minimization, prevention of and response to lateral violence.

2. SCOPE

This policy applies in all Kwanlin Dün First Nation workplaces to all incidents involving an occurrence.

In particular, this policy applies to persons within the KDFN, either as an employee or as an elected member of Council, at any location or any event related to work.

3. DEFINITIONS

The following definitions apply in this policy:

Code- means Part II of the *Canada Labour Code*, R.S.C., 1985, c. L-2

Committee- means the Occupational Health and Safety Committee appointed in accordance with s. 134.1 of the Code.

Designated Recipient- has the same meaning as given to that phrase in section 14 of the Regulation and, under this policy, is the Occupational Health and Safety Specialist (see section 6.3 of this policy).

Employer- means Kwanlin Dün First Nation ("KDFN").

Minister - means the Minister of Labour for the Government of Canada.

Occurrence- means an occurrence of harassment and violence in the workplace.

Principal party- means an employee or employer who is alleged to have been the object of an occurrence in a notice of occurrence.

Responding party- means the person who is named to have been responsible for the occurrence

Regulations- means the *Workplace Harassment and Violence Prevention Regulations*, SOR/2020-130.

Witness – means a person who witnessed an occurrence or is informed of an occurrence by the principal party or responding party.

Workplace- means any place where an employee is engaged in work for KDFN.

4. INTRODUCTION

This policy, made under and pursuant to the Code and the Regulations, summarizes certain aspects of the Code and Regulations. These summaries are intended to provide a simplified overview of the framework that will be applied to issues related to workplace harassment and violence. In the event of a conflict or inconsistency between this policy and the Code or Regulations, the provisions of the Code or Regulations will prevail.

KDFN has jointly developed this Policy with the Committee in order to outline how the organization will address issues of workplace harassment and violence.

KDFN adopts the following mission statement:

KDFN is committed to providing a safe and healthy workplace free from harassment and violence. KDFN believes in a collaborative, proactive approach to achieving this goal. KDFN is committed to meeting its legal obligations and taking all reasonable steps in so doing.

Any confirmed occurrences of workplace harassment and violence will be subject to all applicable KDFN disciplinary measures.

5. WORKPLACE HARASSMENT AND VIOLENCE

5.1 The phrase "harassment and violence" is defined under the Code as "any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment."

An employee does not necessarily need to have suffered offence, humiliation, injury, or illness in order for workplace harassment and violence to have occurred.

In order to constitute workplace harassment or violence, the conduct need not occur in the workplace. It is sufficient if the conduct can reasonably be expected to cause effects of harassment and violence in the workplace.

Workplace harassment and violence can be expressed in many ways. The following is a list of conduct that may give rise to workplace harassment and violence:

a. Words, gestures, actions, or practical jokes;

b. Threats, coercion, bullying or intimidation (verbal or written);

c. Actual or threatened physical contact or assault, including fighting, pushing, and intimidation;

d. Persistent rudeness, taunting, patronizing behaviour, ostracism or other conduct;

e. Abuses of authority, such as excluding individuals from meetings and correspondence relevant to their work, threats to employment, and intentionally and arbitrarily withholding requests for leave, training, or promotion;

f. Yelling, name-calling, belittling, or swearing;

g. Constant criticisms;

h. Spreading rumors or gossiping;

i. Monopolizing supplies;

j. Intentionally causing damage to KDFN property or to the property of another employee;

k. Unauthorized possession of a weapon on KDFN property;

l. Harassing, threatening, or embarrassing other employees on social media;

m. Domestic violence occurring in the workplace;

n. Sexual harassment, including unwanted touching, unwelcome sexual flirtations, obscene or degrading comments or gestures, offensive jokes of a sexual nature, leering, staring or whistling, displaying offensive posters, cartoons or images of a sexual nature, and unwelcome questions or comments about a person's sex life, appearance, or clothing; and

o. Gender harassment.

5.2 Workplace harassment and violence does not occur merely where there is or are:

a. Workplace conflicts and differences of opinion;

b. Supervision of employees, including setting performance expectations and providing constructive feedback;

c. Measures taken to correct behavioural or performance deficiencies, including disciplinary actions;

d. Direction of employees, including assignment and prioritization of work, requiring updates and status reports; and

e. Other management actions, such as approving or denying time off, or requesting documentation related to an absence from or return to work.

6. ROLES AND RESPONSIBILITIES

6.1 KDFN (Employer)

KDFN has the following responsibilities as required under this policy, the Code, and the Regulations:

a. To promote an environment where individuals at the workplace are treated with respect;

b. To conduct workplace assessments;

c. To develop and implement any implementation developed under the Code and the Regulations;

d. To develop, review, and update this policy;

e. To develop, review, and update emergency procedures with respect to workplace violence and harassment;

f. To develop or identify, review and update training on workplace harassment and violence to be provided to employees, the employer and the designated recipient;

g. To review and update training specific to lateral violence and provide to employers, employees, and the designated recipient;

h. To provide employees with information on medical, psychological or other support services that are available within their geographical area;

i. To ensure that the designated recipient has the necessary knowledge, training and experience in issues and relevant legislation relating to workplace violence and harassment in order to fulfill the duties of that role;

j. To participate in and comply with established workplace harassment and violence resolution and investigation processes;

k. To promote a harassment-free and violence-free workplace;

f. To ensure that all employees are aware of this policy and that it is made available to them;

g. To ensure that all prescribed records relating to workplace violence and harassment are maintained for the prescribed time period;

h. To provide annual reports to the Minister; and

i. Where applicable, to ensure the privacy and safety of all parties involved in workplace harassment and violence.

6.2 Employees

Employees' role is to actively contribute to a workplace that is free from harassment and violence. Employees have the following responsibilities as required under this policy, and the Code and the Regulations:

a. To treat individuals at the workplace with respect;

b. To complete all training related to workplace violence and harassment as required by KDFN;

c. To participate cooperatively in and comply with established workplace violence and harassment resolution and investigation processes;

d. To read and be familiar with this policy;

e. To report to KDFN or the designated recipient all occurrences, whether they are experienced personally or witnessed; and

f. To report any circumstances that may contribute to workplace harassment and violence.

6.3 Designated Recipient

The Occupational Health and Safety Specialist is designated as the designated recipient.

The designated recipient has the following responsibilities as required under this policy, the Code and the Regulations:

a. To treat individuals at the workplace with respect;

b. To complete all training related to workplace violence and harassment as required by KDFN;

c. To have the knowledge and experience in handling issues related to the workplace harassment and violence and applicable legislation;

d. To Receive any notice of an occurrence that a principal party or witness provides to them;

e. To Receive a complaint under section 127.1 of the Code; and

f. To participate in and comply with the established workplace harassment and violence resolution and investigation processes.

g. To deliver to the Executive Director a monthly summary of all notice of occurrences, resolutions, and investigation process.

Where the circumstances warrant, KDFN or the designated recipient may delegate to another person any responsibility with respect to a negotiated resolution.

6.4 The Committee

The Committee's role is to fulfill the duties of the "applicable partner" under the Code and the Regulations. Under this policy, the Committee has the following responsibilities as required under this policy, the Code and the Regulations:

a. To treat individuals at the workplace with respect;

b. To conduct workplace assessments;

c. To develop implementation plans;

d. To develop, review, and update this policy;

e. To develop, review and update emergency procedures;

f. To develop or identify, review and update training on workplace harassment and violence to be provided to employees, the employer and the designated recipient; and

g. To participate in and comply with established workplace violence and harassment resolution and investigation processes.

7. WORKPLACE ASSESSMENTS

In accordance with the Code and Regulations, KDFN and the Committee are responsible for workplace assessments, the purpose of which is to identify workplace harassment and violence risk factors and to develop and implement preventative measures.

KDFN and the Committee will review and, if required, update the workplace assessment in the following circumstances:

a. No less than once every three years;

b. When there is a change to the identified risk factors;

c. When there is a change that compromises the effectiveness of a preventative measure;

d. When a notice of occurrence has been provided and it is not resolved by negotiated resolution and the principal party chooses not to continue with the process; and

e. When a notice of occurrence has been provided and the responding party is not KDFN or an employee.

7.1 Risk Factors

KDFN and the Committee have placed the identified risk factors into the following categories:

a. Interactions with the public and clients;

b. Physical work environment;

c. Work activity/culture;

d. Job factors; and

e. Other external factors.

7.1.a. Interactions with public and clients

Interacting with public and clients may put employees at greater risk of harassment and violence. Risk of harassment and violence increases where a client or member of the public:

a. Presents as angry;

b. Has a history of violence;

c. Has a mental health condition, emotional disorder, or head injury;

d. Has malicious or discriminatory attitudes and behaviours; or

e. Is influenced by drugs or alcohol, or is managing adverse impacts of the effects of substance withdrawal.

7.1.b. Physical work environment

Certain work environments and workplace designs may result in additional risks that may lead to harassment and violence. These include:

a. Working alone, in small numbers or in isolated or low-traffic areas (for example, isolated reception area, washrooms, storage areas, utility rooms, or outside of business hours);

b. Working in community-based settings (for example, home visits);

c. Having a mobile workplace (outreach activities, field work/activities);

d. Working in a poorly designed client area, such as a cramped room or a room that has poor visibility of clients; and

e. Working in an overcrowded environment.

7.1.c. Work activity/Culture

Certain work activities and work culture may result in risks that lead to harassment and violence. These include:

a. Limited employee awareness of and education on workplace harassment and violence;

b. Working with the public, community members, or neighbours;

c. Handling money, prescription medication or items of significant value;

d. Working in an environment with potential for discriminatory attitudes and behaviours;

e. Working during periods of intense organizational change (for example, restructuring or expansion); and

f. Working in the same workplace with an (ex) partner or family member who is abusive.

7.1.d. Job Factors

Aspects specific to a job, such as mental and physical demands of the job, can result in additional hazards that may lead to harassment and violence.

7.1.e. External Factors

Other external factors that can result in harassment and violence include:

a. The impact of history of colonialism, intergenerational trauma, and residential schools with resulting lateral violence;

b. Personal challenges related to stress, mental health, or lack of supports; and

c. Third party influence, family violence or domestic violence, such as a family member or (ex) partner:

- Threatening or intimidating an employee or co-worker either verbally or over the phone or email
- Stalking the employee
- Verbally, emotionally, psychologically, or physically abusive to the employee or co-workers
- Destroying the employee or organization's property
- Using work time or workplace resources to monitor or attempt to control actions

8. NOTICE OF OCCURRENCE

An employee who believes they have witnessed or experienced workplace harassment and violence:

a. May, if comfortable doing so, inform the person responsible for the alleged harassment or violence that their conduct is unwelcome and inappropriate. The employee may request assistance from their supervisor or the Occupational Health and Safety Specialist.

b. May provide a notice of occurrence to the employer or designated recipient. If necessary, the notice of occurrence may be verbal. The notice of occurrence must include:

    i. the name of the principal party and the responding party,

    ii. if known, the date of the occurrence, and

    iii. a detailed description of the occurrence.

    A notice of occurrence must not be provided to the Council or to any member of the Council.

c. Should document all events related to the occurrence, including those events leading up to it and anything that has occurred afterward.

d. May request from KDFN additional information about support or assistance.

e. Shall participate meaningfully in any resolution process pursued in connection with the occurrence.

Employees who witness harassment or violence have the option of providing their notice of occurrence anonymously.

Former employees of KDFN may also give notice of an occurrence for a period of three months after the end of their employment. In some cases, this time may be lengthened in accordance with the Code and the Regulations.

9. SUMMARY OF THE RESOLUTION AND INVESTIGATION PROCESS

For the purposes of the resolution process, a reference to KDFN is a reference to the individual who received the notice of occurrence.

a. Upon receipt of a notice of occurrence, the employer or designated recipient will provide a response to the principal party within seven (7) days after the day on which the notice was provided. The response will provide an overview of the resolution process and inform the principal party that they may be represented during the process. The responding party will be notified of the alleged occurrence and be provided the same information as the principal party. Upon receiving a notice of an occurrence, KDFN will also determine whether it is appropriate to contact the police.

b. KDFN, the principal party and the responding party will then make efforts to

reach a negotiated resolution. The responding party is required to participate in

this process and failure to do so may result in disciplinary consequences. This negotiated resolution process will begin within forty-five (45) days after the day on which the notice of occurrence was provided.

c. The principal party and responding party may agree to participate in a mediated conciliation process with a mutually agreed upon mediator.

d. If the matter is not resolved through negotiated resolution or conciliation, KDFN will commence an investigation into the occurrence if the principal party requests it. The investigator will be selected based on the process set out in the Regulations. The investigator will be someone who is trained in investigative techniques, has knowledge, training and experience relevant to workplace harassment and violence, and has knowledge of the Code and the *Canadian Human Rights Act*.

e. After investigating the matters raised in the notice of occurrence, the investigator will be responsible for preparing and submitting a written report. The investigator's report will set out a description of the occurrence, their conclusions and their recommendations. The investigator's report must not reveal the identity of any individuals involved (including the principal party, responding party, or any witnesses) and a copy must be provided to the principal party and responding party, as well as to the Executive Director of KDFN, the Committee, and the designated recipient.

f. Following the distribution of the report, KDFN and the Committee will jointly determine which of the investigator's recommendations will be implemented and take steps to implement such measures.

g. KDFN will ensure that the resolution process is completed within one (1) year after the day on which notice of the occurrence was provided. Throughout the process, will provide monthly status updates to the principal and responding parties.

10. CONFIDENTIALITY AND PRIVACY

Confidentiality and privacy are vital to properly investigating an occurrence and providing support to those adversely affected by it. Any employee who becomes aware of an occurrence should not disclose any information about it to a person not directly involved in that matter without first discussing the matter with KDFN. The investigator's final report will not in any case reveal the identity of persons involved in a workplace violence and harassment notice of occurrence.

Personal information may be collected and used for the purpose of administering this policy. All such information will be used and disclosed by KDFN only in accordance with applicable privacy legislation. Except as otherwise permitted by a KDFN law, the following principles will guide the collection, use and storage of personal information:

10.1 Personal information collected and used should be held in confidence.

10.2 The purpose of collecting personal information is specifically and solely for the administration of this policy and only information required will be collected. Employees should be informed of the purpose of the collection of this information and how it will be used.

10.3 KDFN should make reasonable efforts to ensure that personal information held is complete and accurate.

10.4 All physical records containing personal information respecting an employee should be stored in a locked cabinet accessible only by designated recipient.

10.5 All electronic records containing personal information respecting an employee should be password protected and managed in accordance with KDFN Records Classification and Retention Schedule. Only the designated recipient may access electronic information.

10.6 Working notes and off-site documentation require the same vigilance as on-site documentation. All records created and maintained by external contractors remain the custody of KDFN and must be returned to KDFN, with no copies retained elsewhere.

10.7 Personal information collected respecting an employee should be provided by the employee, if possible.

10.8 Employees should be made aware to contact the KDFN Privacy Officer with concerns or questions about how their personal information is managed. Employees should be able to access their personal information and to submit a complaint to KDFN about the treatment of their personal information.

10.9 KDFN generally will not disclose any personal information, but it may do so without consent where the circumstances warrant it, such as, for example, in the following situations:

a. KDFN is in receipt of a legal subpoena;

b. The employee is in a medical emergency;

c. There is a duty to warn or to inform; or

d. There is a specific court order requesting employee information.

If the police notify KDFN that they intend to investigate an occurrence, KDFN will notify the Committee of that investigation.

11. NON-RETALIATION

KDFN will not discipline employees for providing notice of an occurrence in good faith regardless of the outcome of the matter. Interference with the resolution or investigation process, or retaliation against anyone who has provided notice of an occurrence or who has participated in an investigation under this Policy, will be considered a violation of this Policy and shall result in disciplinary action.

A person who provides a notice of occurrence that is determined to be frivolous, vexatious, or malicious may be subject to disciplinary action.

12. EMERGENCY PROCEDURES

For the purpose of this policy, KDFN refers to the emergency procedures outlined in the KDFN Occupational Health and Safety Manual. KDFN will ensure that the emergency procedures, including any revisions to them, will be communicated to employees and made available in each workplace.

Despite any procedures listed within the Occupational Health and Safety Manual, any employee facing **immediate danger should call 9-1-1.**

13. TRAINING

Within the first three (3) months of employment, KDFN and the Committee will provide training on workplace harassment and violence to all new employees.

The employer, employees, designated recipient and the Committee will be required to take this mandatory training respective of their role and responsibilities. The approved training program is designed by the Canadian Centre for Occupational Health and Safety and includes the following elements:

a. The elements of this policy;

b. A description of the relationship between Workplace Harassment and Violence and the prohibited grounds of discrimination as set out in subsection 3(1) in the *Canada Human Rights Act*; and

c. Information on how to recognize, minimize, and prevent harassment and violence.

Additional workplace harassment and violence training may be required.

Training will be reviewed and delivered to employees at least once every three (3) years.

14. RECORDS

Written or electronic documents related to an occurrence, investigation, workplace assessment, reviews, and updates, emergency procedures, training, reporting, or other matters pertaining to this policy will be stored by KDFN in accordance with any applicable KDFN policies or the period of time required by the Code and Regulations.

15. EMPLOYEE SUPPORT MEASURES

KDFN shall provide employees with information on medical, psychological or other support services that are available.

Available resources include the Employee Assistance Program and counselling. KDFN shall pay for any reasonable cost associated with referral to these resources in accordance with the KDFN Personnel Policies and Procedure Manual.

16. POLICY REVIEW

This policy shall be reviewed and updated at least once every three (3) years and following any change to an element of this policy.

17. POLICY CROSS-REFERENCES

17.1 Internal References

a. KDFN Message on Lateral Violence

b. KDFN Personnel and Procedure Manual

c. KDFN Constitution, Section 27

d. KDFN Governance Act, 14(1)

e. KDFN Records Classification and Retention Schedule

f. KDFN Occupational Health and Safety Manual

17.2 External References

a. Canada Labour Code, Part II, R.S.C., 1985, c. L-2

b. Workplace Harassment and Violence Prevention Regulations, SOR/2020-130.

c. Canada Human Rights Act, 3(1).