

**Progress Reports to the House of Commons Standing Committee on Public Accounts’
Twelfth Report, titled: *Respect in the Workplace***

Recommendation 1 – On strategies to ensure respect in the workplace (CBSA)

That, by 30 September 2021, the Canada Border Services Agency provide the House of Commons Standing Committee on Public Accounts with a progress report that outlines the results of its comprehensive strategy to address harassment, discrimination and violence in the workplace, including performance indicators. A second progress report should be provided by 31 March 2022, and a final report by 30 September 2022.

Progress Report

The Canada Border Services Agency (CBSA) has made concrete progress in its commitment to provide employees with a safe and healthy workplace. The Agency is determined to foster and maintain a workplace that is free from harassment, violence, and discrimination – a workplace where every person, regardless of race, ethnicity, culture or religious beliefs is valued and treated with dignity and respect.

The CBSA proactively addressed this important issue by creating the National Integrity Centre of Expertise (NICE) in April 2019. The NICE enhances Agency-wide training on and awareness of this topic, reinforces management responsibilities for making and maintaining change, and strengthens workplace sources of support. The CBSA also renewed its Strategy to Support Mental Health and implemented the Respectful Workplace Framework.

The Respectful Workplace Framework

The CBSA’s Respectful Workplace Framework brings many strategies together under one umbrella. These include, but are not limited to:

- the Anti-Racism Strategy;
- the Strategy to Support Mental Health;
- the Culture Diagnostic;
- the Indigenous Workforce and Training Strategies; and
- the Leadership Development Plan.

During the past several months, the Agency has recorded many accomplishments in each area of the Framework (see the attached appendix for details).

Bill C-65

The coming into force of Bill C-65, *An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1*, on January 1, 2021 strengthened the CBSA’s efforts to address harassment and violence in the workplace. The bill, which was an amendment to the *Canada Labour Code* contained in the *Work Place Harassment and Violence Prevention Regulations* implemented a more comprehensive approach that considers all forms of harassment and violence. When the

Bill came into effect at the beginning of 2021, it strengthened the federal framework surrounding the issue of workplace harassment and violence and gave us an opportunity to make important changes to the Agency's policies, procedures and practices.

The complexity that goes with developing new and effective harassment and violence policies presents real challenges and requires extensive consultation. The Agency has many layers of personal and interagency interactions, along with continuous engagement with members of the public. Thanks to significant work with our bargaining agent partners, the CBSA Workplace Harassment and Violence Prevention Policy was developed with the Customs and Immigration Union (CIU), the Professional Institute of the Public Service of Canada, and the Canadian Association of Professional Employees.

A collaborative agreement was reached well before the January 2021 deadline, and placed the CBSA at the forefront of agencies and departments meeting their compliance obligations of the new *Work Place Harassment and Violence Prevention Regulations*. The united approval of the agreement is a testament to the commitment from management and the unions to work towards a safe and respectful workplace.

The National Integrity Centre of Expertise (NICE)

Under the Work Place Harassment and Violence Prevention Regulations, a Designated Recipient, which means a work unit in a work place or person that is designated by an employer under section 14, must be appointed. As the designated recipient for the CBSA, the NICE was instrumental in the development of the new Workplace Harassment and Violence Prevention Policy. Our Human Resources Branch staff have been actively doing outreach to educate CBSA personnel about the policy. While we continue to work towards informal resolution of issues, the vast majority of the complaints received are proceeding to formal investigations.

Since the new regulations were put in place, many tools and information initiatives have been made readily available to CBSA employees. NICE has also provided info sessions on the new CBSA Workplace Harassment and Violence Prevention Policy to approximately 700 managers across the country, in addition to the mandatory training offered through the Canada School of Public Service (CSPS).

Positive signs of change

While changes to workplace culture take time, there are early positive signs of change in the results of the 2020 Public Service Employee Survey (PSES). Overall, CBSA achieved better results on 79 out of the 87 questions it had in common with the 2019 survey, and our participation rate is increasing.

The survey results showed a 3% drop in the number of employees who reported they had been a victim of workplace harassment in the previous 12 months, making it the fourth consecutive annual decrease in this area and a four-year drop of 12% points. Although the overall results for Indigenous, LGBTQ2+ and persons with disabilities remain high, these communities are showing year-over-year improvements since 2018 (-2% points drop in 2020).

The survey results indicate the majority of CBSA employees believe the Agency works hard to create a workplace that prevents discrimination. While the Agency's 2020 results improved for all these questions, they still lag substantially behind the overall Public Service results. To remedy that, the Agency will continue to prioritize:

- employee engagement,
- senior management leadership,
- harassment and discrimination, and
- employee development.

In addition to gathering feedback from employees through the PSES, the Agency has conducted five pulse checks since May 2020. Response rates have steadily increased, indicating rising confidence in culture change efforts. On the most recent pulse check, 76% of respondents indicated they can raise concerns with their immediate supervisor without fear of reprisal, and 77% indicated they feel trusted by their immediate supervisor.

The Anti-Racism Taskforce and the Anti-Racism Strategy

In 2020, the Anti-Racism Taskforce (ART) was spearheaded by the Visible Minority Advisory Committee (VMAC) to oversee the drafting of an Anti-Racism Strategy for the CBSA. In order to ensure Agency-wide collaboration, the taskforce was formed with a representative from each region, branch and advisory committee.

The ART's mandate is to supervise the implementation of the Anti-Racism Strategy and ensure all CBSA perspectives are taken into consideration. This strategy has been approved and is now being implemented. The Agency has also established an Anti-Racism Unit, dedicated to ensuring that Agency managers have the necessary support to respond to their calls to action as well as lead a number of initiatives in response to the Strategy.

The Anti-Racism Strategy is grounded in three guiding principles: demonstrating leadership; equipping employees and managers, and building awareness and changing mindsets. There are training and learning elements to each, including mandatory training for all employees. The learning products in the training component of the Anti-Racism Strategy have had a strong uptake: the Diversity and Race Relations training has a 94.3% completion rate and Preventing Racial Profiling at the Frontline has a completion rate of 91.8%.

Senior Management Training

In support of the, Deputy Minister's commitment, senior management has pledged to personally learn about racism, reconciliation, accessibility, equity and inclusion, and fostering a safe, positive environment where these conversations are encouraged. So far, mandatory unconscious bias training has been delivered to 92% of all CBSA executives (182 people). 88% of senior executives have also participated in reflection workshops dedicated exclusively to Directors General, Regional Directors General and Vice-Presidents, where they were tasked with

developing their own personal statements as a sincere commitment to anti-racism. To date, 40% of CBSA executives have completed a personal pledge to combatting racism, with a target of 100% by end of the next fiscal year.

To further enhance the Agency's learning and foster a work environment free of racial bias and discrimination, a new training course *Incorporating the practice of Anti-Racism and Allyship at the CBSA* has been developed in collaboration with the CIU. Two pilots were delivered in January and March 2022. The tentative roll out date of the training course is set for early May 2022. We aspire to have 80% of the agency complete this course within three years of implementation. A new mandatory course on unconscious bias for managers is being delivered in-house. To date, 575 managers have been trained during fiscal year 2021/2022.

Moreover, the *Employment Equity, Diversity and Inclusion (EEDI) Action Plan 2021-2024* that includes key performance indicators has been developed and approved by the Executive Committee. Each branch and region are to develop their own action plan that targets particular areas of challenges that are unique to their respective region or branch. The EEDI action plan will allow us to measure progress and continue to drive improvement.

The approved EEDI action plan had committed to advancing three priorities: Collect Equity and Diversity Data, Increase Workforce Diversity and Build an Inclusive Workplace.

The key performance indicators (KPI) that we are using to track this progress are as follows:

- Increase self-identification completion rates to 80% by 2024.
- Close the Workforce Availability gaps for Persons with Disabilities by 2025.
- Reduce the Workforce Availability Gaps for Indigenous Peoples year-over-year.
- 80% of CBSA employees have completed the Incorporating the Practice Anti-Racism and Allyship workshop by 2025.
- 80% of delegated managers have completed the Unconscious Bias Training by the end of fiscal year 2023-24.

APPENDIX

Accomplishments:

- Incorporated character-based leadership (CBL) into all executive (EX) staffing processes
- Developed the Indigenous Training Strategy
- Released updated Wellness Scorecards to all Directors General
- Established clear expectations for a respectful workplace in all EX and Manager PMAs
- Developed an Anti-Racism Strategy and proceeded with implementation
- Worked with the Agency's leaders to draft personal statements (The Pledge) that will embed their commitments to anti-racism in their PMAs
- Worked closely with union partners
- Provided a centralized and integrated approach to addressing harassment and workplace violence complaints in a timely and consistent manner
- Developed standard operating procedures for different recourse mechanisms
- Implemented Bill C-65 requirements

- Offered informal conflict management to all parties to resolve complaints
- Ensured workplace restoration is recommended to all Directors General following an investigation, whether founded or not

Recommendation 3 – On informal mechanisms for resolving complaints of workplace violence and harassment (CBSA)

That the Canada Border Services Agency provide the House of Commons Standing Committee on Public Accounts with a report outlining statistics on the number of workplace violence and harassment complaints, the number of cases where informal complaint resolution mechanisms were offered and the number of times these complaints were resolved informally, for 2018–2019, 2019–2020 and 2020–2021, by 30 September 2021.

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In April 2019, the Canada Border Services Agency modified its approach to informing employees how to access informal conflict resolution processes. The Agency developed a template letter in September 2019 for harassment complaints that are filed under the former Policy on Harassment Prevention and Resolution (Treasury Board Secretariat). It includes a paragraph recommending the use of the Informal Conflict Management Systems (ICMS) to resolve the complaint informally. All parties involved in the complaint are invited and encouraged to make use of the ICMS services that are available by email and/or telephone.

Before the new *Work Place Harassment and Violence Prevention Regulations* were launched, there was no mandatory requirement for informal conflict management or mediation. Now, the regulations require the parties to consider resolving the matter informally before proceeding with an investigation. However, it's important to note that even though information about the ICMS is widely accessible and routinely communicated to all employees through the Agency's intranet and in learning sessions, informal resolution can only happen if both parties agree to it.

Informal resolution rates before the new regulations

While the Agency tracked when workplace violence allegations were resolved informally under the previous regulations, it did not track whether the ICMS was used to do it. This means that for the allegations made under the previous regulations (before January 2021), we can only offer the following data:

Year	Number of complaints	Number of complaints screened out by the employer	Number of complaints resolved informally
April 1 2018 – March 31, 2019	33	8	6
April 1, 2019 – March 31, 2020	23	4	6
April 1, 2020 – December 31, 2020	6	0	1

In most cases, although there was an attempt to resolve the matter, the complainant immediately requested a formal investigation.

The National Integrity Centre of Expertise (NICE) was formally launched on April 1, 2019 and for data integrity purposes, the data requested can only be provided as of that date. Please note that all harassment complaint files that were transferred to NICE from the regions in summer 2019 are included in the table below.

Harassment Complaints (TBS Policy)

Year	Number of complaints	Number of complaints where ICMS was offered	Number of complaints where ICMS was carried out	Number of complaints resolved informally
April 1, 2019 – March 31, 2020	112 (65 new and 47 ongoing that were transferred to NICE from Regions)	*105	8	0
April 1, 2020 – December 31, 2020	35	35	0	0

*Seven of the harassment files transferred from the regions to NICE had no reference to ICMS in their files.

Informal resolution rates under the new regulations

Today, the Agency makes sure to communicate and promote the ICMS’s conciliation services in the acknowledgment letter sent to the principal party and in the official notification sent to the responding party. The parties are informed that ICMS’s conciliation services are available either in person or virtually. It is important to note that there is no longer a distinction between the formal and informal process in the new regulations – all steps, including informal ones, are captured as part of the formal process. This means that conciliation can be worked on at any time, including alongside the investigation until a final report is issued.

Work Place Harassment and Violence Prevention Regulations (in force January 2021)

Year	Number of Notices of Occurrences received	Number of Notices of Occurrences where ICMS was offered (conciliation)	Number of Notices of Occurrences where ICMS was held (conciliation)	Number of Notices of Occurrences resolved through ICMS (conciliation)	Number of Notices of Occurrences resolved through negotiated resolution	Number of Notices of Occurrences resolved through investigation
January 1 2021 - March 31, 2021	21	21	0	0	2	0

Year	Number of Notices of Occurrences received	Number of Notices of Occurrences where ICMS was offered (conciliation)	Number of Notices of Occurrences where ICMS was held (conciliation)	Number of Notices of Occurrences resolved through ICMS (conciliation)	Number of Notices of Occurrences resolved through negotiated resolution	Number of Notices of Occurrences resolved through investigation
April 1, 2021 – March 31, 2022	125	125	6 currently in conciliation	0	10	0

Recommendation 5 – On initial assessments of complaints (CBSA)

That the Canada Border Services Agency present the House of Commons Standing Committee on Public Accounts with a report identifying the number of official harassment, discrimination and workplace violence complaints filed in 2018–2019, 2019–2020 and 2020–2021, and in how many cases an initial assessment was documented, by 30 September 2021.

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As of April 1, 2019, all harassment complaints filed under the former *Policy on Harassment Prevention and Resolution* (Treasury Board Secretariat) have been processed through the CBSA National Integrity Centre of Expertise (NICE). The NICE ensured all complaints were analyzed and processed in a standard manner. For example, complaints received by the Harassment Prevention and Resolution Office were processed using standard operating procedures to ensure all information and key steps were documented, including a detailed analysis of each allegation.

For allegations of workplace violence made under the previous regulations (before January 2021), there was no requirement for an initial assessment to be carried out or documented for workplace violence complaints.

Under the new regulations, an initial assessment is made for each notice of occurrence that is sent to the NICE. A detailed analysis of each allegation brought forward by the principal party is made before the negotiated resolution and, possibly after, if new information is shared during the negotiated resolution.

The National Integrity Centre of Expertise (NICE) was formally launched on April 1, 2019 and for data integrity purposes, the data requested can only be provided as of that date. Please note that all harassment complaint files that were transferred to NICE from the regions in summer 2019 are included in the table below.

Harassment Complaints (TBS Policy)

Year	Number of complaints	Number of completed, documented assessments
April 1, 2019 – March 31, 2020	112 (65 new and 47 ongoing that were transferred to NICE from Regions)	110*
April 1, 2020 – December 31, 2020	35	35

*Two of the ongoing harassment files that were transferred from the regions to NICE had no analysis in their files.

Work Place Harassment and Violence Prevention Regulations (in force January 2021)

Year	Number of Notices of Occurrences received	Number of completed documented assessments *
January 1, 2021 – March 31, 2021	21	21
April 1, 2021- March 31, 2022	125	107

*Documented assessment is completed once the initial review is concluded.