

STATEMENT of POLICY and PROCEDURE			
Manual:	Not-for-Profit	SPP No.	HR 5.10.ON
Section:	Human Resources	Issued:	Oct 07, 2019
Subject:	Dispute Resolution	Effective:	Oct 07, 2019
Issue to:	All Manual Holders	Page:	1 of 9
		Replaces:	HR 5.02.ON
Issued by:	Board of Directors Motion – 19-10-17	Dated:	Apr 28, 2015

1 POLICY

- 1.01 PHE Canada believes in resolving employee and placement concerns and disputes, related to their employment and placement relationship, in a prompt and equitable manner.
- 1.02 Employees and placements who express any concerns, or lodge a formal complaint under this policy, or who provide information regarding a complaint under this Statement of Policy and Procedure may do so without fear of retaliation or reprisal. Any such conduct of retaliation or reprisal will be subject to immediate corrective action.
- 1.03 PHE Canada believes in resolving Board member, member and volunteer concerns and disputes, related to their relationship with PHE Canada, in a prompt and equitable manner.
- 1.04 Board members, members and volunteers who express any concerns, or lodge a formal complaint under this policy, or who provide information regarding a complaint under this Statement of Policy and Procedure may do so without fear of retaliation or reprisal. Any such conduct of retaliation or reprisal will be subject to immediate corrective action.

2 PURPOSE

- 2.01 This Statement of Policy and Procedure is to provide an effective problem-solving and dispute resolution process which every employee and placement can utilize without concern for reprisal or recrimination. It is a vehicle by which employees and placements may lodge complaints or express concerns to management about their employment and placement relationship with PHE Canada or on other issues.
- 2.02 This Statement of Policy and Procedure is to provide an effective problem-solving and dispute resolution process which Board members, members and volunteers can utilize without concern for reprisal or recrimination. It is a vehicle by which Board members, members and volunteers may lodge complaints or express concerns to the Board of Directors and senior management about their relationship with PHE Canada or on other issues.

2.03 It is important to recognize that this Statement of Policy and Procedure does not cover harassment or discrimination based on racism, gender or other criteria protected by the Ontario Human Rights Commission (OHRC).

3 SCOPE

3.01 This policy applies to all employees, placements, Board members, members and volunteers.

3.02 It is the organization's intention to apply the principles outlined in this policy to all contracts and other working arrangements with consultants, contractors or others providing services to the organization. Compliance with the principles outlined in this policy shall be treated as essential for contract compliance.

4 RESPONSIBILITY

4.01 **Supervisors** are responsible for investigating and responding to employees and placements in a timely manner regarding issues or concerns raised through these procedures.

4.02 **Employees and placements** who believe they have legitimate complaints or concerns are encouraged to use these procedures – without fear of reprisal or recrimination.

4.03 **President and/or ED&CEO** are responsible for investigating and responding to Board members, members and volunteers in a timely manner regarding issues or concerns raised through these procedures.

4.04 **Board members, members and volunteers** who believe they have legitimate complaints or concerns are encouraged to use these procedures – without fear of reprisal or recrimination.

5 DEFINITIONS

5.01 **“Work Interdependence”** means that a person relies on someone else's cooperation, output or input for them to accomplish their job.

5.02 **“Personality Conflict”** means when there are differences in working style, ethics, values and/or leadership styles.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE SPP NP 5.07 – Workplace Harassment and Violence

7 PROCEDURES

7.01 Legal Issues

(a) Any conflict that involves illegal activity, breaking a law or initiating serious threats to the safety of anyone at PHE Canada shall be reported to the **&ED&CEO**, or to **the President** if the ED&CEO is a principal in the situation. The police or other appropriate authority will be contacted in a timely manner,

depending on the urgency of the situation.

7.02 **Self-Directed Resolution**

- (a) Employees, placements, Board members, members, and volunteers involved in the conflict are expected to try to resolve their conflict by scheduling a self-directed meeting within three (3) days of any incident of unresolved conflict to:
 - (i) Identify and define the problem, focusing on behaviour and events, not personalities.
 - (ii) Identify points of agreement and disagreement.
 - (iii) Brainstorm solutions.
 - (iv) Assess feasibility of solutions.
 - (v) Decide on solutions that works for all parties, perhaps with some compromise.
 - (vi) Implement the agreed upon solution, reviewing its success within a reasonable timeframe.
- (b) PHE Canada encourages resolution directly between conflicted individuals as soon as possible. However, it is recognized that such resolution is not always possible.

7.03 **Informal Problem-Solving**

- (a) Employees/placements who believe they have legitimate concerns about any aspect of their employment/placement relation with PHE Canada should first discuss those concerns with their immediate **Supervisor** and attempt to resolve them satisfactorily. Supervisors are required to discuss and/or investigate any concerns raised, and to respond in an appropriate manner to the employee/placement, within **three (3)** working days of learning of the concern or dispute. If the issue is not resolved in a manner that is satisfactory to the employee/placement, a formal complaint may be lodged by the employee/placement.
- (b) Board members/members/volunteers who believe they have legitimate concerns about any aspect of their relation with PHE Canada should first discuss those concerns with the **President and/or ED&CEO** and attempt to resolve them satisfactorily. The President and/or ED&CEO is required to discuss and/or investigate any concerns raised, and to respond in an appropriate manner to the Board member/member/volunteer, within **three (3)** working days of learning of the concern or dispute. If the issue is not resolved in a manner that is satisfactory to the member, a formal complaint may be lodged by the Board member/member/volunteer.

7.04 **Formal Problem-Solving for Employees/Placements**

- (a) If an employee's/placement's concern is not resolved in a satisfactory manner, through the informal problem-solving process, a formal complaint may be lodged, within **seven (7)** working days of the facts becoming known that give rise to the concern or dispute.
- (b) A formal complaint is required to be in writing, on the **Dispute Resolution Form shown in Attachment A** to this Statement of Policy and Procedure, or in a medium that is most comfortable such as email, voice mail or in person. The

formal complaint shall be addressed to the employee's/placement's immediate **Supervisor** and be presented to that Supervisor. The employee/placement may request the assistance of any member of PHE Canada in preparing a formal complaint. Preparing a formal complaint will not be interpreted as criticism of the immediate Supervisor. The Supervisor shall provide a copy of the complaint to the **ED&CEO**.

- (c) Within **three (3)** working days of receiving a formal complaint, or at a time mutually agreed upon, the **ED&CEO** shall meet with the employee/placement and supervisor, investigate the complaint, and respond, in writing, to the employee/placement who lodged the complaint. The **ED&CEO** may arrange a facilitated resolution meeting with the parties. The **ED&CEO** shall work with the parties to implement a resolution, and shall review its progression within a reasonable timeframe with the parties.
- (d) If the issue concerns the **ED&CEO**, an employee/placement is to lodge a formal complaint within **seven (7)** working days of the facts becoming known that give rise to the concern or dispute. The completed and signed Form shall be addressed to the **President** and be presented to the President. The employee/placement may request the assistance of any member of PHE Canada in preparing a formal complaint. Within **three (3)** working days of receiving a formal complaint, or at a time mutually agreed upon, the **President** shall meet with the Executive Director & CEO, investigate the complaint, and respond, in writing, to the employee/placement who lodged the complaint. The **President** may arrange a facilitated resolution meeting with the parties. The **President** shall work with the parties to implement a resolution, and shall review its progression within a reasonable timeframe with the parties.

7.05 **Formal Problem-Solving for Board members/Members/Volunteers**

- (a) If a Board member's/member's/volunteer's concern is not resolved in a satisfactory manner, through the informal problem-solving process, a formal complaint may be lodged, within **seven (7)** working days of the facts becoming known that give rise to the concern or dispute.
- (b) A formal complaint is required to be in writing, on the **Dispute Resolution Form shown in Attachment B** to this Statement of Policy and Procedure, or in a medium that is most comfortable such as email, voice mail or in person. The formal complaint shall be addressed and presented to the **President**. The Board member/member/volunteer may request the assistance of any member of PHE Canada in preparing a formal complaint. Preparing a formal complaint will not be interpreted as criticism of the President. The President shall provide a copy of the complaint to the **Secretary of the Board**.
- (c) Within **three (3)** working days of receiving a formal complaint, or at a time mutually agreed upon, the **President** shall meet with the Board member/member/volunteer, investigate the complaint, and respond, in writing, to the Board member/member/volunteer who lodged the complaint. The **President** may arrange a facilitated resolution meeting with the parties. The **President** shall work with the parties to implement a resolution, and shall review its progression within a reasonable timeframe with the parties, unless the following applies:
 - i. The right of any party to seek a review of the President's decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada

(SDRCC) for “sport-related” disputes.

- (d) If the issue concerns the **President**, a Board member/member/volunteer is to lodge a formal complaint within **seven (7)** working days of the facts becoming known that give rise to the concern or dispute. The completed and signed Form shall be addressed and presented to the **President-Elect or Past-President**. The Board member/member/volunteer may request the assistance of any member of PHE Canada in preparing a formal complaint. The President-Elect or Past-President shall provide a copy of the complaint to the Secretary of the Board. Within **three (3)** working days of receiving a formal complaint, or at a time mutually agreed upon, the **President-Elect or Past-President** shall meet with the President, investigate the complaint, and respond, in writing, to the Board member/member/volunteer who lodged the complaint. The **President-Elect or Past-President** shall work with the parties to implement a resolution, and shall review its progression within a reasonable timeframe with the parties.
- i. The right of any party to seek a review of the President-Elect or Past-President’s decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC) for “sport-related” disputes.

7.06 **Problem-Solving with External Parties**

- (a) Should a concern or dispute arise, the parties should first informally meet and discuss the issue within **five (5)** working days of the facts becoming known that give rise to the issue, or at a time mutually agreed upon, and then attempt to resolve the issue in a manner that is satisfactory to all parties. If the issue is not resolved in a manner satisfactory to all parties, a formal complaint may be lodged.
- (b) Should the issue not be informally resolved in a manner satisfactory to all parties, the parties may submit to the jurisdiction of the Courts of Ontario with respect to any dispute, claim or other matter arising under this agreement and the Courts of Ontario shall have exclusive jurisdiction with respect to any such dispute, claim or other matter.

7.07 **Options for Response to Conflict**

- (a) Should any issue still not be resolved in a manner satisfactory to all parties, the parties may submit a request to PHE Canada for mediation by an independent third party.
- (b) None of the above procedures preclude other future responses to the situation, including complaints to the police, the Ontario Human Rights Commission (OHRC) and the Ministry of Labour.

8 ATTACHMENTS

Attachment A – Dispute Resolution Form for Employees/Placements

Formulaire de résolution de conflits pour les employés / placements

Attachment B – Dispute Resolution Form for Board
Members/Members/Volunteers

*Formulaire de résolution de conflits pour les Membres du conseil
d'administration / membres / volontaires*

Attachment A
Dispute Resolution Form for Employees/Placements

Dispute Resolution Form for Employees/Placements	
Employee/Placement Name:	Position:
Department:	
<i>Use additional pages if necessary.</i>	
What happened? <i>(Objectively state details.)</i>	
Who was involved? <i>(Include names of parties involved and witnesses, if any.)</i>	
Where and When did the incident take place? <i>(Identify the specific location, date and time of incident.)</i>	
Why do you believe this situation constitutes a concern? <i>(E.g. Statement of Policy and Procedure violation, unjust or unfair treatment, favoritism, harassment/discrimination, etc.)</i>	
What redress are you seeking?	
Employee's/Placement's Signature:	Date:
This form should be presented to the Employee's/Placement's immediate Supervisor within seven (7) working days of the facts becoming known that give rise to the concern or dispute.	
Supervisor's Response:	
Supervisor's Signature:	Date:

Pièce jointe A

Formulaire de résolution de conflits pour les employés / placements

Formulaire de résolution de conflits pour les employés / placements	
Nom de l'employé / le placement:	Poste :
Service :	
<i>Ajouter des pages si nécessaire</i>	
Qu'est-il arrivé? <i>(Fournir des détails objectifs.)</i>	
Qui était en cause? <i>(Fournir les noms des parties en cause et des témoins, s'il y a lieu.)</i>	
Où et quand l'incident a-t-il eu lieu? <i>(Indiquer l'endroit précis, la date et l'heure de l'incident.)</i>	
Pourquoi croyez-vous que cet incident est préoccupant? <i>(p. ex., violation de l'énoncé des politiques et procédures, traitement injuste ou inéquitable, favoritisme, harcèlement, discrimination, etc.)</i>	
Quelle mesure corrective demandez-vous?	
Signature de l'employé / le placement :	Date :
Ce formulaire doit être remis au superviseur immédiat de l'employé / le placement dans les sept (7) jours ouvrables suivant la date à laquelle les faits qui ont mené au différend ou au conflit ont été connus.	
Réponse du superviseur :	
Signature du superviseur :	Date :

Attachment B

Dispute Resolution Form for Board Members/Members/Volunteers

Dispute Resolution Form for Board Members/Members/Volunteers	
Member Name:	Position/Role:
Contact Email and Phone Number:	
<i>Use additional pages if necessary.</i>	
What happened? <i>(Objectively state details.)</i>	
Who was involved? <i>(Include names of parties involved and witnesses, if any.)</i>	
Where and When did the incident take place? <i>(Identify the specific location, date and time of incident.)</i>	
Why do you believe this situation constitutes a concern? <i>(E.g. Statement of Policy and Procedure violation, unjust or unfair treatment, favoritism, harassment/discrimination, etc.)</i>	
What redress are you seeking?	
Member's Signature:	Date:
This form should be presented to the President within seven (7) working days of the facts becoming known that give rise to the concern or dispute.	
President's Response:	
President's Signature:	Date:

Pièce jointe B

Formulaire de résolution de conflits pour les Membres du conseil d'administration / Membres / Volontaires

Formulaire de résolution de conflits pour les Membres du conseil d'administration / Membres / Volontaires	
Nom du membre :	Poste/Rôle :
Adresse de courriel et numéro de téléphone :	
<i>Ajouter des pages au besoin.</i>	
Qu'est-il arrivé? <i>(Fournir des détails objectifs.)</i>	
Qui était en cause? <i>(Fournir les noms des parties en cause et des témoins, s'il y a lieu.)</i>	
Où et quand l'incident a-t-il eu lieu? <i>(Indiquer l'endroit précis, la date et l'heure de l'incident.)</i>	
Pourquoi croyez-vous que cet incident est préoccupant? <i>(p. ex., violation de l'énoncé des politiques et procédures, traitement injuste ou inéquitable, favoritisme, harcèlement, discrimination, etc.)</i>	
Quelle mesure corrective demandez-vous?	
Signature du membre :	Date :
Ce formulaire doit être remis au président dans les sept (7) jours ouvrables suivant la date à laquelle les faits qui ont mené au différend ou au conflit ont été connus.	
Réponse du président :	
Signature du président :	Date :