

Dispute Resolution Process

WorkBC West Pender recognizes the importance of maintaining good relations with our stakeholders: Clients, Service Providers, other Government Bodies and the General Public. WorkBC West Pender recognizes that disputes provide opportunities for the organization to learn and improve.

Statement of Intent

The purpose of this policy is to provide a channel for Complainants to raise issues of concern and to access methods of resolution that are constructive and fair.

Issues that may give rise to disputes include but are not limited to:

- Access, timeliness, and effectiveness of Programs and Services;
- Dealings with staff, management, volunteers, other clients, or any individual representing WorkBC West Pender;
- Health and safety; and
- Harassment, discrimination, and abuse.

Clients are encouraged to bring matters forwards as they arise so that they can be resolved swiftly.

Once a resolution to a grievance has been agreed, Complainants cannot resurrect the same grievance again at a future date. However, if a resolution agreement has been broken, management should review the case and take action as they deem appropriate.

The complainant should identify how the matter could be resolved to his or her satisfaction, although this will not necessarily be the determining factor in the way the matter is resolved.

Guiding Principles

All disputes brought forward will be handled in a fair and transparent process that is respectful of timelines. WorkBC West Pender's Dispute Resolution Process adheres to the following Guiding Principles:

Confidentiality

The dispute resolution process is a highly confidential process. Those responsible for dealing with grievance enquiries and resolution must not discuss the matter with anyone else, except for the people that initiated the dispute and those that are directly impacted by the dispute.

Any papers and reports generated from the dispute resolution procedure must be stored in a secure place by the appropriate management staff person.

A breach of confidentiality will be seen as a serious issue of misconduct, which may lead to disciplinary action.

In cases where potential serious criminal conduct emerges at any stage of the procedure, staff will notify the appropriate authorities.

Copies of disputes are forwarded to the Director of Business Analytics and Quality Assurance for review and to determine if changes in policy and practices are required.

Representation

Complainants may initiate a dispute on their own behalf or have an appropriate third party to initiate a dispute. Complainants may have an appropriate third-party represent their interests in any disputes.

Fairness, Objectivity, and Protection from Victimization

It is important that those investigating the dispute act in an objective, fair, and transparent manner. All parties should be treated with respect and dignity.

Complainants who are involved in disputes must not be treated less favourably because of their involvement in this process; such treatment is regarded as victimization. Victimization may amount to a breach of discrimination and harassment policies.

If a complainant believes they are being victimized in any way they should immediately notify a senior management person and/or CEO-Executive Director.

Stage One - Informal Resolution

(Resolution at the local office level)

An attempt to resolve differences at the local office level is typically the best approach. It offers the possibility of a solution that is acceptable to everyone in a reasonable period of time. This would normally involve the WorkBC West Pender staff person involved in the Complaint, the Complainant, any advocates the Complainant wishes to include and other in-office personnel that would be of benefit to support the resolution process (i.e. Senior Management).

Stage Two – Formal Resolution

(Resolution at an Executive level)

This level of dispute resolution involves a formal appeal process when a consensus can't be reached at the Stage One Level. This level requires involvement of a review Committee who will thoroughly investigate the issue and all supporting documentation through various means. This committee will report back decisions and rationale to support their decisions as well as recommendations.

Stage Three – 3rd Party Mediation Formal Resolution

This level of dispute resolution involves a 3rd Party mediator when a consensus can't be reached at the Stage Two Level. This level requires involvement of a mediator who will

thoroughly investigate the issue and all supporting documentation through various means. This committee will report back decisions and rationale to support their decisions as well as recommendations.

Stage One - Informal Resolution

The parties have twenty-one (21) calendar days from this date to resolve the matter at Stage One.

Before commencing the formal dispute resolution procedure, Complainants are encouraged to attempt to resolve the dispute informally. This would normally involve raising the issue, either verbally or in writing, with the party they are in dispute with.

Informal resolutions may involve the support of WorkBC West Pender staff, or the appropriate senior management person. WorkBC West Pender staff who are supporting the dispute resolution process may meet with each party separately, or meet with all the parties, to discuss the matter.

An informal resolution meeting will take place within ten (10) working days of the issue being brought forward. The staff person supporting the dispute resolution process will review the Dispute Resolution Policy with the Client and assist them in completing pages 1 and 2 of the Dispute Resolution Form or designate another staff/manager to assist the Client if they so request and/or the dispute is against the Staff person they are working with. Upon completion, the staff person and/or complainant will forward it to the designated Director of Employment Services & Training for review within five (5) working days of the issue being brought forward. The Critical Incident Report should include:

- Details pertaining to the issue being brought forward;
- Supporting Documentation
- Date of Informal Resolution Meeting and Parties involved

The Director of Employment Services & Training will aim to review the key points of the grievance and suggest a resolution, confirming this in writing for the parties to consider. A meeting of all the parties will then take place, with a view to reaching an agreement on resolutions.

The Informal Resolution Meeting will follow the below outlined process:

- Step 1: **Communication of issue from each Party's perspective:** This is an open forum for all parties to express their understanding of the issue being brought forward without judgment.
- Step 2: **Review of Supporting Documentation:** Review of Supporting Documentation brought forward by each party to support/discredit the issue.
- Step 3: **Gathering a Consensus on the Issues:** Concluding what the primary issues are based on each Parties Perspective and supporting documentation.
- Step 4: **Developing a Plan on how to Address the Issue:** Developing an agreement to implement a development and/or action plan; and/or agreement to modify a practice or behavior; and/or acceptance of an explanation or apology; and/or

recognition that agreement may not be achieved by that solutions will be put in place to resolve the ongoing conflict/issue.

There may be occasions where a face to face meeting is difficult; however, it is necessary for the parties to meet in order to restore a working relationship. A series of separate meetings with each party may be required initially, with a view to working towards a meeting of all the parties.

If the resolution is agreed, this should be recorded on the Dispute Resolution Form and signed by all Parties.

The Director of Employment Services & Training will update and send the form with any supporting papers to the Director of Business Analytics and Quality Assurance for review.

The Director of Employment Services & Training is responsible for following up on any agreed actions and monitoring performance or behaviour, as necessary to fulfill the requirements of the agreed resolution.

If the grievance remains unresolved at Stage One (whether or not the maximum timescale has been used), and the aggrieved person wishes to progress to Stage Two, the Dispute Resolution Form will be updated, signed by the Complainant, and sent directly to Director of Business Analytics and Quality Assurance for review and Action by the Formal Review Committee.

Stage Two – Formal Resolution

The Director of Business Analytics and Quality Assurance will bring the dispute to the Executive Committee and CEO-Executive Director herein referred to the *Review Committee* for all related Formal Resolution Complaints.

The Director of Business Analytics and Quality Assurance will record the date he or she receives the updated Dispute Resolution form.

The parties have twenty-one (21) calendar days from this date to resolve the matter at Stage Two.

Within ten (10) working days, the Review Committee will review the documentation, meet or converse with all parties, and make a final decision regarding the resolution of disputes. The Review Decision Process will adhere to the **Formal Review Process** outlined below.

Phases of the Formal Review Process

The Formal Review Process will usually be divided into phases:

- Preparation Phase
- Investigation/hearing Phase
- Reporting/recommendation Phase

In the **Preparation Phase**, the Review Committee looks at the information submitted in the Dispute Resolution Application. They will identify and share with the parties involved what it

considers to be the relevant issues. They may ask all identified parties to provide any additional information to support the review. This may include, but is not limited to; correspondence, results from assessments, further file documents and other information related to the complainant's issue.

In the **Investigation/hearing Phase**, the Review Committee examines materials and engages in activities to gain information, which may include interviews, to develop an understanding of the Complainant's issues. The review is not a trial, nor is it conducted like a court of law. It is a review to develop a clear understanding of the circumstances that led to a service decision which has resulted in an issue made by a Complainant.

Complainants who want a supporting person to accompany them should an interview be required as part of the *Investigation/hearing Phase*, should inform the review coordinator before the event so that the role of the supporting person can be clarified. The supporting person might be a family member, a community advocate, a friend or anyone willing to provide information and/or support at the interview.

In the **Reporting/Recommendation Phase**, the Review Committee considers the information it has gathered, and writes a report that includes:

- Terms of reference for the review
- Summary of information and recommendations

The Review Committee sends the report and recommendations to all parties involved in the appeal. If the WorkBC West Pender staff person involved in the appeal, or the Complainant disagrees with any information or recommendation in the summary of information and recommendations, they must provide in writing to the Review Committee the reasons for their disagreement within ten (10) working days. The recommendation may be amended as a result of the new information.

The Director of Employment Services and Training is responsible for following up on any agreed actions and monitoring performance or behaviour, as necessary to fulfill the requirements of the agreed resolution.

Stage 3: 3rd Party Mediation Phase

Where the complainant is not satisfied with the recommendations of the Review Committee, he or she may request a third party mediator to attempt resolution of the dispute. Below are two agencies that provide a list of third party mediators throughout BC. WorkBC West Pender will assume the costs of a 3rd Party mediator.

Mediate BC

Dispute Resolution & Design
Suite 177 - 800 Hornby Street
Vancouver, BC V6Z 2C5
info@mediatebc.com
toll-free: 1-877-656-1300
Local: 604-684-1300
Fax: 604-684-1306
www.mediatebc.com

BCAMI

*BC Arbitration & Mediation
Institute*
Suite 510 - 700 West Pender
Vancouver, BC V6Z 1G8
cases@bcami.com
Toll-Free: 1-877-322-2264
Local: 604-736-6614
Fax: 606-736-6611
www.amibc.org

Notable Exceptions

The following are notable exceptions to the Dispute Resolution Process policy:

- WorkBC West Pender's dispute resolution policy is subject to any applicable provisions contained in the union collective agreements. Where such a collective agreement provision applies and is inconsistent with a part of this policy, the collective agreement provision will prevail to the extent of the inconsistency.
- Where the dispute is with the Review Committee which is comprised of Open Door Group's¹ Executive Director, the complainant has the right to forward the dispute to the Chair of Open Door Groups Board of Directors.
- Where a dispute is of such a nature that the complainant feels he or she is at risk, the complainant has the right to bypass the normal steps and take the dispute directly to Open Door Group's CEO-Executive Director.

WorkBC West Pender Executive Obligations

The Open Door Group Board of Directors will be kept informed regarding disputes that involve the collective agreement grievance process or that have human rights, legal and financial implications for the agency.

Accessing Client Files

If the complainant is connected with one of WorkBC West Pender's Provincially and/or Federally Funded Programs, and they would like to have access to a client file he or she will need to follow government Freedom of Information guidelines. As our Funders are the owner of client files, WorkBC West Pender staff do not have the right to provide certain information.

Information given directly to the complainant or the complainant completed and provided (i.e. resume, action plan, or contract signed by parties involved) WorkBC West Pender staff are permitted to provide copies of this information to the complainant. WorkBC West Pender staff are not permitted to give third party information (i.e. medical information from a doctor or employer reports on a client). To access this information the complainant must go through the Office of the Information and Privacy Commissioner for BC (OIPC).

¹ Open Door Group is the Lead Contractor Holder of this WorkBC Contract

Office of the Information and Privacy Commissioner for BC (OIPC)

PO Box 9038, Stn Prov Govt, Victoria B.C. V8W 9A4

Third Floor, 756 Fort Street

Toll Free: 1-800-663-7867

Victoria: (250) 387-5629

Vancouver: 660-2421

Facsimile: (250) 387-1696

Website: www.oipc.bc.ca

How to make a request

(1) To obtain access to a record, the applicant must make a written request that

(a) provides sufficient detail to enable an experienced employee of the public body, with a reasonable effort, to identify the records sought,

(b) provides written proof of the authority of the applicant to make the request, if the applicant is acting on behalf of another person in accordance with the regulations, and

(c) is submitted to the public body that the applicant believes has custody or control of the record.

(2) The applicant may ask for a copy of the record or ask to examine the record

Access to Legal Entities

WorkBC West Pender will ensure that clients will have access to legal entities if they require it.

Some examples of access to legal entities are:

- Office of the Information and Privacy Commissioner for BC
- Legal Aid BC
- Access Probono
- The Law Society of BC
- BC Arbitration & Mediation Institute
- Mediate BC
- BC Human Rights Tribunal
- BC Coalition for Persons with Disabilities