

# CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

<b>SUBJECT:</b>	<b>DISPUTE RESOLUTION</b>			
<b>TYPE:</b>	HUMAN RESOURCES	<b>POLICY NO. HR-006-00</b>		
<b>DATE:</b>	<b>REVIEW DATE:</b>	<b>FREQUENCY:</b>	<b>REL. BY-LAW:</b>	<b>PAGE #:</b>
Aug 7, 2008		As Required	08-325	1 of 8
<b>Revisions</b>				
Aug 7, 2008 New Policy				

**I. Purpose:**

The Township of South Algonquin (“Township”) is committed to preserving a harmonious work environment whereby every employee can freely communicate his/her concerns. This policy is supplementary to the Respect in the Workplace Policy (HR-002-00) and provides detailed procedures and timelines to be followed in the complaint process by employees to resolve issues as quickly and as fairly as possible. This policy is designed to encourage communication between the employee and his/her immediate supervisor.

**II. Scope:**

This policy shall not be interpreted as to take away any rights or privileges inherent to the Township’s employer status or management functions.

All disputes under this policy shall proceed up to the completion of Step 4 provided that the dispute is not a result of a violation of the *Ontario Human Rights Code* (as amended). The Respect in the Workplace Policy (HR002-00) shall govern the general guidelines of this policy.

**III. Definition(s):**

**Dispute** means a disagreement or conflict, either personal or situational, concerning another individual, the work performed, or the immediate supervisor’s application of any part of Township policies or procedures.

Disputes involving dismissal, suspension, demotion, or layoff will **not** be addressed through this policy.

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**Employee** means any person who has been hired by the Township as a full-time or part-time staff who has completed his/her probationary period, with the exception of those who have been dismissed, suspended, demoted or on layoff. Employee shall also refer to temporary or committee volunteers and the general public for the purpose of dispute resolution.

**Manager** as referenced in this policy and the Respect in the Workplace Policy (HR-002-00) includes immediate supervisor. A Manager/Supervisor is the management representative with the authority to manage performance, discipline and hire for the department.

**Council** as referenced in this policy and the Respect in the Workplace Policy (HR-002-00) means the elected officials of the Township of South Algonquin.

**Human Resources Committee** is a committee of Council-representatives and staff.

#### **IV. Responsibility:**

**Employee** responsibilities are:

- To respect differences and opinions, be they personal or professional, of his/her co-workers.
- To follow the dispute resolution process as outlined in this policy.
- To notify his/her immediate supervisor of a dispute as soon as possible to maintain a harmonious work environment for both the employee and his/her co-workers.
- To participate in and respect the outcome of the resolution process.

**Clerk-Treasurer (or designate)** responsibilities are:

- To support the dispute resolution process as set out in this policy.
- To remain informed of changes in legislation governing Human Resources practices.
- To ensure the process and all timelines as established within this process are adhered to by all parties.
- To ensure investigations/interviews are conducted free from biases and without biases and without prejudice.
- To ensure proposed resolutions are fair and comprehensive, with consideration given to the ramifications for the individual, as well as the organization in general.
- To recommend, where possible, corrective action so as to prevent future disputes from occurring.
- To present the Final Report as prepared by the HR Committee (or the outside investigator) to Council in resolution of a dispute at Step 4.
- To take any remedial action and any other action outlined in the Final Report.

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**Supervisor** responsibilities are:

- To support the dispute resolution process as set out in this policy.
- To ensure employees are informed of the process outlined in this policy.
- To be aware of, and committed to, the principles of communicating and information sharing with their employees.
- To identify, prevent and address potential problems before they become formal complaints.
- To ensure all employees are treated fairly and without fear of intimidation.
- To ensure investigations are conducted free from biases and without prejudice.
- To ensure proposed resolutions are fair and comprehensive, with consideration given to the ramifications for the individual, as well as the organization in general;
- To adhere to all timelines as prescribed within this policy.

**Human Resources Committee** responsibilities are:

- To support the dispute resolution process as set out in this policy.
- To remain informed of changes in legislation governing Human Resources practices.
- To act as the unbiased arbitrating body, on behalf of Council, for the resolution of Step 4 Formal Complaints within the Township employ.
- To ensure that any Step 4 investigations/interviews are conducted with equal representation from Council and Staff from the HR Committee.
- To ensure investigations/interviews conducted by the HR Committee representatives are free from biases and without prejudice.
- To ensure proposed resolutions are fair and comprehensive, with consideration given to the ramifications for the individual, as well as the organization in general.
- To adhere to all timelines as prescribed within this policy.

**Council** responsibilities are:

- To support the dispute resolution process as set out in this policy.
- To appoint the members of the Human Resources Committee as the unbiased arbitrating body to act on behalf of Council for the resolution of any and all formal complaints within the Township employ.
- To support any investigation/recommendations/decision as presented by the Human Resources Committee in an effort to resolve disputes.
- To support any Final Report as recommended by the HR Committee provided it is a fair and comprehensive resolution to the dispute.

**V. Procedure:**

1. This policy is supplementary to the Respect in the Workplace Policy (HR-002-00) and provides the detailed procedures and timelines to be followed for the complaint process.
2. If a dispute is the result of a direct violation of the prohibited grounds under the Ontario *Human Rights Code* as amended from time to time (“the Human Rights Code”), refer to the Human Rights and Accommodation Policy (HR-003-00).

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3. All complaints must be brought forward to the immediate supervisor within **seven (7) calendar working days** of the date of the occurrence. If the Formal Complaint Form is filed and reveals the complaint was filed after this time frame, the employee shall have the burden of proof that the knowledge of the event was acquired after its occurrence i.e. documentation, witness, etc. Failing to do so, the complaint will be deemed to be withdrawn.
4. Every dispute must be brought to the attention of the immediate supervisor as a first step. **At no time shall any Step in the Formal Complaint process be omitted or superseded.**
5. A Formal Complaint will not be recognized if the immediate supervisor has not verified by initials on the Formal Complaint Form that the dispute could not be resolved at Step 1.
6. Any resolution reached between the employee and management at Step 2, 3, or 4 regarding a dispute must be the subject of a Formal Complaint Form signed by the employee. Disagreements resolved at Step 1 may be documented by the immediate supervisor and forwarded to the Clerk-Treasurer.
7. If management fails to respond within the prescribed time stated in this policy, the employee may elect to proceed to the next Step.
8. If the employee does not proceed to the next Step within the prescribed times stated in this policy, the Complaint shall be deemed to be withdrawn.
9. All time limitations referred to may **only** be extended by written mutual agreement of the employee and the Clerk-Treasurer. Acceptable reasons for requesting an extension are: individual(s) involved are on vacation, are on WSIB, or are absent from work due to training or a non-occupational injury/illness.
10. All time limitations are exclusive only of Saturday, Sundays and statutory holidays, and any other days where the Township's administrative offices are officially closed.
11. The employee can withdraw the Formal Complaint in the dispute resolution process up to the end of Step 2. The notification of withdrawal must be submitted in writing to the Clerk-Treasurer. The Clerk-Treasurer shall issue written notification to the respondent. Once a complaint reaches Step 3 it **cannot** be withdrawn.

### **Step 1**

- An employee that experiences an occurrence that could give rise to a dispute as defined in this policy should initiate a verbal discussion with the respondent as soon as possible after the occurrence.

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- If the dispute cannot be resolved between the employee and co-worker, or the employee is not satisfied with the response, the employee should bring the occurrence to the attention of his/her immediate supervisor.
- If the respondent is the immediate supervisor, the employee will initiate a verbal discussion with the immediate supervisor within seven (7) calendar days (see Delay).
- The immediate supervisor must respond to the verbal complaint within **two (2) consecutive working days** or allow the employee to proceed to Step 2.
- If the employee is not satisfied with the verbal response of the immediate supervisor, or the Step 1 response period has expired, and the employee wishes to continue the complaint process, he/she may proceed to Step 2.
- Failure to comply with the seven (7) day time limit will deem the dispute resolved and will terminate the procedure.

### **Delay**

All complaints must be filed within **seven (7) calendar days** of the date of the occurrence that gave rise to it. If the complaint is brought to the immediate supervisor after seven (7) calendar days, the employee shall have the burden of proof that the knowledge of the event was acquired after its occurrence.

### **Step 2**

- If an employee is continuing the complaint process, he/she shall:
  - complete all sections of Step 1 of the Formal Complaint Form, including the immediate supervisor initials, and also
  - complete all sections of Step 2, and
  - submit the original to the Clerk-Treasurer within **seven (7) calendar days** of the Step 1 verbal response, or of the expiry of the Step 1 response period.
- Failure to comply with the seven (7) day time limit will deem the dispute resolved and will terminate the procedure.
- The Clerk-Treasurer will record the complaint and return a copy to the employee, and notify the respondent and immediate supervisor.
- The immediate supervisor may conduct whatever investigation is deemed necessary and will render a decision, in writing, within **four (4) consecutive working days** of the date the form was submitted to the Clerk-Treasurer or allow the employee to proceed to Step 3.
- If the employee is not satisfied with the written response at Step 2, or the Step 2 response period has expired, and the employee wishes to continue the complaint process, he/she may proceed to Step 3. **Disputes that proceed to Step 3 cannot be withdrawn.**
- Failure to comply with the seven (7) day time limit will deem the dispute resolved and will terminate the procedure.

### **Step 3**

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- If an employee is continuing the complaint process, he/she shall complete Step 3 of their copy of the Formal Complaint Form and submit it to the Clerk-Treasurer within **seven (7) calendar days** of the Step 2 response, or of the expiry of the Step 2 response period.
- Failure to comply with the seven (7) day time limit will deem the dispute resolved and will terminate the procedure.
- The Clerk-Treasurer will record the complaint and return a copy to the employee and the respondent.
- **Disputes that proceed to Step 3 cannot be withdrawn.**
- The Clerk-Treasurer may conduct whatever hearing or investigation is deemed necessary and will render a decision, in writing, within **ten (10) consecutive working days** of receipt of the form.
- If the employee is not satisfied with the written response at Step 3, or Step 3 response period has expired, Step 4 of the Formal Complaint process will begin.

#### **Step 4**

- If an employee is not satisfied with the Step 3 response or they refuse to sign the Formal Complaint form, Step 4 of the complaint process shall begin and the Clerk-Treasurer will provide notification to the Human Resources Committee.
- The HR Committee acts as an unbiased arbitrator and may conduct whatever hearing or investigation is deemed necessary.
- At the completion of the investigation, the HR Committee will prepare a Preliminary Investigation Report within **fifteen (15) consecutive working days** of receipt of the form and submit it to the Clerk-Treasurer for issue to the employee and respondent.
- The employee and respondent will have **seven (7) calendar days** (two work weeks) to respond to the report, in writing.
- Failure to respond within the ten (10) day time limit will deem the individual's agreement with and acceptance of the Report findings.
- Upon receipt of the individual's responses to the Report, or at the expiry of the ten (10) day response period, the HR Committee will draft a Final Report with recommendations for resolution and submit this document to the Clerk-Treasurer.
- The Clerk-Treasurer will submit the Final Report for Council approval. If the respondent was the Clerk-Treasurer, a staff member of the HR Committee will submit the Final Report for Council approval. Council will approve the Final Report by way of resolution during a Closed Session of Council. If the investigation is conducted by an outside, independent third party, the Final Report shall not include recommendations for remedial action.
- Once Council approves by resolution, the Clerk-Treasurer, or the Mayor/designate if the respondent was the Clerk-Treasurer, will take appropriate remedial action, if any, as well as any other action outlined in the Final Report to resolve the dispute.
- All documentation concerning the Formal Complaint must be forwarded to the Clerk-Treasurer for filing.

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**APPENDIX A**  
**TOWNSHIP OF SOUTH ALGONQUIN**  
**FORMAL COMPLAINT FORM**  
**CONFIDENTIAL**

Employee Name:		Position:	
Supervisor:		Date:	
Complaint about personal dispute <input type="checkbox"/> Yes <input type="checkbox"/> No		Name(s) of those directly involved:	
Complaint about work-related dispute <input type="checkbox"/> Yes <input type="checkbox"/> No		Date and Time of occurrence:	
<b>STEP 1 – Verbal</b>			
<i>Refer to the Dispute Resolution Policy (HR-006-00) If an occurrence that could give rise to a dispute is with a co-worker or the immediate supervisor the employee shall initiate a verbal discussion to resolve the dispute. If a dispute is unresolved with a co-worker, the employee may bring the occurrence to the immediate supervisor. The immediate supervisor must respond to the verbal complaint within two (2) consecutive working days. If the employee is not satisfied with the verbal response/proposed resolution provided by the immediate supervisor at Step 1, or the Step 1 response period has expired, and the employee wishes to continue the complaint process, he/she shall complete all sections of Step 1 and 2 within seven (7) calendar days from receipt of said response and submit it to the Clerk-Treasurer. Failure to comply with the seven (7) day time limit will terminate the procedure.</i>			
Date and Time of initial discussion with immediate supervisor (not more than seven (7) days since above occurrence):			
<b>Proposed resolution.</b> Additional sheets attached. <input type="checkbox"/> Yes <input type="checkbox"/> No			
Supervisor Initials		Date	
<b>STEP 2 - Written</b>			
<i>The supervisor has four (4) consecutive working days to respond, in writing, to the Step 2 complaint. If the employee is not satisfied with the written response at Step 2, or the Step 2 response period has expired, and the employee wishes to continue the complaint process, he/she may refer to Step 3 within seven (7) calendar days from receipt of Step 2 response. Failure to comply with the seven (7) day time limit will terminate the procedure.</i>			
<b>Statement of Complaint:</b> Include as much information as possible, including dates, times, places and the conduct/situation you are filing the Formal Complaint about. Attach additional sheets if necessary.			
<b>Witnesses:</b> List any individual(s) who may have information about the conduct/situation in question. If none, check here <input type="checkbox"/>			
<b>Declaration:</b> I hereby certify that to the best of my knowledge the above-mentioned information is true, accurate and complete. I understand making false or vexatious allegations is in violation of Township policy and subject to disciplinary action. Furthermore, I realize that an inquiry will be initiated once this complaint has been filed to determine a resolution.			
Employee Signature		Date	
Date complaint form was presented to immediate Supervisor			
<b>Proposed resolution.</b> Additional sheets attached. <input type="checkbox"/> Yes <input type="checkbox"/> No			
Signature of immediate Supervisor		Date Step 2 response issued	
Signature of Employee if Step 2 response is satisfactory			

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<b>STEP 3</b>	
<i>Continuation of the complaint to Step 3 requires the employee to complete Step 3 of their copy of the Formal Complaint Form and submit it to the Clerk-Treasurer within seven (7) calendar days of the Step 2 response, or of the expiry of the Step 2 response period. Failure to comply with the seven (7) day time limit will terminate the procedure. Complaints that reach Step 3 cannot be withdrawn. The Clerk-Treasurer will render a decision, in writing, within ten (10) consecutive working days of receipt of the form. If the employee is not satisfied with the written response at Step3, or they refuse to sign this form, Step 4 of the complaint process shall begin and the Clerk-Treasurer will notify the HR Committee.</i>	
Date complaint form was presented to Clerk-Treasurer	
<b>Proposed resolution.</b> Additional sheets attached. <input type="checkbox"/> Yes <input type="checkbox"/> No	
Signature of Clerk-Treasurer	Date Step 3 response issued
Signature of Employee if Step 3 response is satisfactory	
<b>STEP 4</b>	
<i>When the complaint process proceeds to Step 4, the Clerk-Treasurer will complete the Formal Complaint Form and issue it to the Council-Represented Human Resources Committee.</i>	
Date Step 3 response was rejected by the employee	Date complaint form was forwarded to Human Resources Committee
Date Preliminary Investigation Report issued (attach copy)	
Date Final Report reviewed by Council (attach copy)	
Council Approval received by resolution #	
Signature of HR Committee Council Representative	Date
Signature of HR Committee Staff Member	Date
Signature of Employee – Report Received	Date
Signature of Respondent – Report Received	Date
Issue resolved <input type="checkbox"/> Yes <input type="checkbox"/> No	

- If management fails to respond within the prescribed time, the employee may elect to proceed to the next Step, and/or
- If the employee fails to proceed to the next Step within the prescribed time, management will deem the dispute withdrawn and will terminate the procedure.