

## **RESPECTFUL WORKPLACE POLICY: FORMAL COMPLAINT PROCEDURE**

### **Procedure for formal complaints filed under the Respectful Workplace Policy**

#### **What you need to know**

1. Formal complaints should be submitted to the Respectful Workplace Coordinator (the Coordinator) on the approved complaint form, in a sealed envelope marked “confidential” OR faxed to the Coordinator with a covering page marked “confidential”.
2. Information related to a Respectful Workplace complaint is treated as confidential and will be shared on a need to know basis only.
3. Where a conflict of interest which may compromise the fairness of this process is identified at any stage, responsibility for tasks will be reassigned as necessary to address the conflict and alleviate any reasonable apprehension of bias.
4. Timelines in the Respectful Workplace Policy and procedures may be extended by the Coordinator.

#### **What will happen once a formal complaint is filed**

1. Upon receipt of a formal complaint, the Coordinator establishes a confidential file for the formal complaint, to contain all relevant documents and notes.
2. The Coordinator reviews the formal complaint to determine whether the formal complaint falls within the scope of the Respectful Workplace Policy (the policy), ie: Is the complainant an employee? Was the formal complaint filed on time, using the approved complaint form? Do the allegations disclose a prima facie (a legal presumption which means on the face of it) case of offensive behaviour?
3. If the formal complaint does not fall within the scope of the policy, the Coordinator will provide the complainant with written reasons for this and may redirect the complainant to other appropriate avenues of recourse or suggest other means of resolution and will close the file.
4. If the formal complaint does fall within the scope of the policy, the Coordinator acknowledges receipt of the formal complaint, in writing, providing a copy of the formal complaint to the Director of Human Resources.
5. The respondent is advised of the formal complaint, in writing, and is provided with a copy of it.
6. Respectful Workplace and Employee Assistance Program brochures are provided to the parties.
7. Where a formal complaint does fall within the scope of the policy, the Coordinator conducts a preliminary investigation which may include: phone calls, meetings with

the employees involved, obtaining written submissions, and conferring with appropriate human resource professional(s) and/or manager(s) of the employees involved. During phone calls and/or meetings, the Coordinator provides information and answers questions for those involved.

8. Based on the results of the preliminary investigation, the Coordinator determines whether the formal complaint is appropriate for resolution under this policy and if so, determines the most appropriate resolution option(s), discusses this with the employees involved and advises in writing, with a copy sent to the Director of Human Resources.
9. The Coordinator considers whether the complaint may be resolved through informal resolution options including for example, facilitated discussion, coaching, an apology, etc. If appropriate, informal resolution options are implemented and if successful, the file is closed. If informal resolution options are unsuccessful or are not used, the Coordinator may reconsider the use of informal resolution options at any later stage in the process.
10. The Coordinator considers whether mediation is appropriate and if so, offers mediation to the employees involved in the formal complaint. If either of the employees does not agree, mediation cannot proceed. Investigation and/or other resolution options are considered.
11. If the employees involved agree to Mediation, the Coordinator engages a mediator(s) and advises the employees, in writing, that mediation will go ahead and who the mediator(s) will be.
12. The mediator(s) concludes the mediation process within twenty (20) working days and advises the Coordinator of the results of the mediation and if successful, provides a signed settlement agreement between the employees.
13. Where an employee believes the terms of a settlement agreement have been breached, s/he advises the Coordinator, who takes appropriate action in the circumstances, to address the alleged breach.
14. If the matter has been resolved, the file is closed. If the matter remains unresolved, Investigation and/or other resolution options are considered.
15. The Coordinator considers whether investigation is appropriate and if so, engages an investigator and advises the employees and the appropriate Deputy Head(s), in writing, that an investigation will go ahead and who the investigator will be. The Director of Human Resources receives a copy of the letter.
16. The investigator concludes the investigation within thirty (30) working days and submits an investigative report to the Coordinator who reviews the report and provides a copy to the Deputy Head(s). The Director of Human Resources is provided a copy of the Coordinator's correspondence to the Deputy Head.

17. The Deputy Head(s) reviews the report and determines, within fifteen (15) working days, what if any, action is required to address the investigative findings, including any disciplinary action. The Deputy Head(s) may consult the Director of Human Resources, the Coordinator and/or others as required.
18. The Deputy Head(s) advises the individuals involved, in writing, of the findings and any follow-up action, as appropriate.
19. The Deputy Head(s) advises the Coordinator, in writing, that the matter has been dealt with to her/his satisfaction and the Coordinator closes the file.
20. The Coordinator advises the parties/employees involved, in writing, that the file has been closed, with a copy sent to the Director of Human Resources.
21. Workplace restoration activities are considered and implemented as appropriate.  
Process ends.