

18. Conflict Resolution

Preamble

Conflicts are a natural consequence of human interaction and decision-making. It is the **process** for resolving conflicts that determines whether conflicts lead to confrontations and arguments or to peaceful resolution.

We should all expect to run into difficulties and all of us are at some stage in learning about how to resolve our problems. Our abilities to assert ourselves, communicate effectively and listen to criticism will differ for each of us - which can create another layer of conflict.

Any effective conflict resolution process is one based on principles of administrative fairness. These principles include:

- (i) the right to be heard;
- (ii) the right to participate in decisions that affect you;
- (iii) the right to an impartial decision based on relevant information;
- (iv) the right to receive clear, complete and appropriate reasons for a decision;
- (v) the right to an impartial review of a decision you believe to be unreasonable or unfair;
- (vi) the right to a conflict resolution procedure which is accessible, flexible, timely and easy to use;
- (vii) the right to obtain all relevant information that has led to the decision being disputed;
- (viii) the right to a conflict resolution procedure which begins closest to where the conflict originated, with those most affected involved in the decision-making process;
- (ix) the right to a conflict resolution procedure which has a built-in mechanism to protect against retribution.

Conflict Resolution Guidelines

- (a) Central to an effective and fair conflict resolution procedure is the right to be heard. This is a fundamental principle of administrative fairness for all people when a decision is being made which affects their interests. This principle applies equally to employees, volunteers, sub-contractors, individuals and their family or representative when there is an appeal of a decision that affects them.
- (b) Persons involved in conflict resolution have the right to be accompanied and supported by a fellow staff member, advocate, support person or interpreter/translator at any and all of the steps in the conflict resolution process.
- (c) Conflict resolution procedures must emphasize the need for decision makers to provide appropriate reasons for a decision affecting the person. The reasons must address the person's concerns and be comprehensible to the person. The reasons should be in writing or recorded in an alternate format that is accessible to the person, as directed by them.
- (d) It is Spectrum Society's obligation to inform employees, volunteers, sub-contractors, individuals and their family or representative that there is a conflict resolution process regarding matters that concern their working conditions, health or safety. They will be told that they are entitled to seek a review of any decision (which includes the lack of a decision) if they believe the decision or failure to make a decision to be unfair or unreasonable. Individuals and their family or representative will receive a copy of the conflict resolution procedures when they begin to receive services from Spectrum Society. The conflict resolution procedures will be reviewed with individuals annually. Employees, volunteers and sub-contractors will be informed about the conflict resolution procedures upon hiring.
- (e) Conflict resolution procedures must be accessible to all persons. The following criteria are examples of what is meant by accessible:
 - (i) The use of plain language;
 - (ii) All forms used in the appeal procedure are to be in a simple, straight-forward format;
 - (iii) By request, a person can use the services of an interpreter/translator at any stage throughout the appeal procedure;
 - (iv) Any meetings or hearings forming part of the appeal procedure shall be held in a place that is accessible to those who are mobility restricted.
- (f) Conflict resolution processes must be flexible and timely. A variety of conflict resolution options should be provided, including mediation, internal review and external appeal procedures.

- (g) A person's interests may be jeopardized while awaiting the hearing of an appeal. It is important for a conflict resolution policy to specify what happens pending the outcome of the review. Except in exceptional circumstances, the person's interests should be preserved pending the appeal being completed. Exceptional circumstances would include the need to ensure the health and safety of the persons served, and the need to respect the wishes of the persons served and families.
- (i) Dismissal or suspension: In the case of a dispute arising from an employee's dismissal or suspension, the conflict resolution procedure may commence at Step (c) below, within ten days of the date on which the suspension occurred, or within ten days of the employee receiving notice.
- (i) Many people who want to resolve a dispute fear reprisal for themselves. There will be no reprisals because an employee, volunteer, sub-contractor, individual or their family member or representative has initiated a conflict resolution process. If there is evidence of retribution against persons who have exercised their right to appeal, Spectrum Society will take steps immediately to remedy the situation.
- (j) People appealing a decision are entitled to an impartial review. Our policy is to ensure a review free of bias. That means that the employee responsible for making a decision at any stage in the appeal process ought to disassociate him/herself from participating in the decision at the next level of appeal. This would not preclude them from providing information to those responsible for the decision at the next level.
- (k) Procedures must be sensitive about the privacy needs of individuals. Respecting everyone's right to privacy may also enhance the opportunity for early resolution. The conflict resolution process must be an open and honest one that finds a balance between privacy and the right to know and participate.

Conflict Resolution Procedure

- (a) The first step, and the quickest, most effective way to resolve any difficulty is to speak directly to the person responsible.
- *Find a time when you can speak without interruption*
 - *Clearly outline what specifically is the issue*
 - *State how this issue affects you*
 - *Suggest a resolution.*
 - *If you need some suggestions about how to do this, talk to the supervisor or a senior staff person.*
- (b) If you feel your difficulties have not been resolved to your satisfaction, do not hesitate to ask for help from the supervisor. If your problem is with the supervisor, your second step would be to come to the coordinator who oversees your program.

- *The supervisor or coordinator will chair a meeting where the three of you meet to clarify the issue, discuss a resolution, and decide on future actions.*
- *This will take two weeks at the most.*
- *This process may need to be documented in terms of minutes of the meeting and a record of the resolutions.*

(c) If you feel your difficulties have still not been resolved, you can call HR or a director and arrange a time to meet and discuss the problem. At this point, it is essential that the circumstances of the conflict and the actions to date be written down. HR or the director will:

- *Talk with you to clarify the issue*
- *Talk with the other person to get a response and resolution*
- *Reply to you with the comments of the other person*
- *This will take two weeks at most.*

(d) If you still do not feel that your difficulties have been resolved, an impartial third party may be called in to mediate. This should be a person who is trusted by both parties.

- *All correspondence and actions to date will be forwarded*
- *The mediator will decide on a next step.*

REMEMBER:

1. You have the right to have a person of your choice attend any meetings with you if you feel uncomfortable.

2. There will be no reprisals because an employee, volunteer, sub-contractor, individual or their family or representative has initiated a conflict resolution process. If there is any evidence of retaliation, the Society will act quickly to remedy the situation.

As an organization, we are dedicated to making our programs comfortable and happy environments. Trying to do the work we have chosen to do, within the guidelines of our mission statement, is difficult enough. The only way for all of us to feel good about the conflicts that will arise is to follow an effective procedure to deal with problems in a way that all parties feel good about.