

AD06-08 - Volunteer Complaints & Grievance
Procedures
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Volunteer Complaints and Grievance Procedures

It is CALA policy that all volunteers and/or officers of CALA conform to our “Conflict of Interest and Confidentiality Code” as well as abide by our “Code of Ethics”. Nonetheless, a situation may arise that would cause a volunteer to consider that his/her rights have been violated and he/she may wish to lodge a complaint or file a grievance.

1. Harassment in the Workplace

CALA recognizes the dignity and value of every volunteer and will not tolerate harassment of any kind in the workplace. The Ontario Human Rights Commission describes harassment as a course of conduct or comment, which can be words or actions that insult or humiliate a person because of gender, race, colour, sexual orientation or other prohibited grounds.

Harassment includes:

1. unwelcome, inappropriate or insulting remarks, gestures, jokes, innuendoes or taunting about a persons' body, attire, gender, sexual orientation, disability, racial or ethnic background, colour, place of birth, citizenship or ancestry;
2. the display of pornographic pictures, racist, derogatory or other offensive materials at work;
3. unnecessary or unwanted physical contact such as touching, patting or pinching;
4. sexual solicitation or advances with implied consequences if rejected;
5. refusal to work with or share facilities with other employees because of any prohibited discriminatory ground.

Complaints Procedure

If a volunteer believes that he or she is being harassed in the workplace, it is generally recommended that he or she first tell the harasser that the action or words are unwelcome, inappropriate, insulting or offensive and ask the harasser to stop.

If the harassment does not stop, or if the volunteer feels that further action is required, the volunteer may file a complaint or grievance with CALA as outlined below.

2. Interpersonal Conflicts

CALA draws on a large number of volunteers, mainly for laboratory assessment purposes rather than volunteer help in the CALA office, and members set high expectations for quality and the timely provision of services. Work volume and stress may result in occasional interpersonal conflicts relating to behaviour and personal communication style.

Volunteers should endeavour to recognize that each individual brings their own style to a work environment, and when differences occur, effort should be made by all volunteers to understand and coach colleagues rather than judging their differences.

In the event of a serious conflict that impairs a volunteer's ability to perform his or her work with a positive and respectful attitude, the volunteer should take the following steps:

1. Inform the person with whom you have the conflict of your concern(s) and desire to resolve the issue(s) positively and constructively.
2. If there is no resolution, report the concern(s) to your team leader or manager for investigation and hopefully achieve a mutually acceptable solution.
3. If there is still no resolution, file a complaint with CALA as outlined below.

3. Volunteer Complaints and Grievances

Any volunteer who believes that there has been a breach of the CALA code of Ethics or of the Conflict of Interest and Confidentiality Code or, they believe to have been harassed or involved in a serious interpersonal conflict or, who has any issue with respect to working conditions at CALA, may file a complaint or grievance with CALA with respect thereto. A complaint will result in a less formal investigation and resolution procedure as set out below, and may be followed by a grievance if the complaint is not resolved to the satisfaction of the complainant.

1. *Complaint Procedure*

A volunteer who wishes to file a complaint shall inform the CEO. In the event that the complaint involves the CEO, then the volunteer shall inform the President of CALA rather than the CEO, and the President shall assume, or the Board may appoint another Director of the Association to assume, the role and responsibilities of the CEO as set out in this Complaint Procedure.

The volunteer (referred to herein as the “complainant”) shall provide the CEO sufficient details to allow the CEO to conduct an investigation. A complaint may be made either verbally or in writing. A complainant may choose to be represented, at any stage in the

complaint procedure, by any person of his or her choice, other than another CALA employee. It is not CALA policy to provide any funding with respect to such representation.

Upon receiving the complaint, the CEO shall conduct an investigation, which may include the following:

1. interviewing the complainant;
2. interviewing any person who is implicated in the complaint;
3. interviewing any witnesses identified as a result of the above; and
4. keeping a record of all aspects of the investigation.

The CEO may involve, and may delegate the investigation to, an external qualified human resources consultant. In the event that a consultant is retained to investigate, or to assist in the investigation, the consultant shall provide a report to the CEO at the conclusion of the investigation and, on request, shall provide interim reports.

All interviews will be held in a private area and all information obtained or recorded will be dealt with confidentially and permission will be obtained before sharing such information with other parties.

Once the investigation is complete, the CEO may convene a meeting of the involved parties in an attempt to resolve the complaint. The CEO may retain an external qualified human resources consultant or other professional to mediate the complaint. If an external mediator is involved and no agreement is reached, the mediator will disclose only the fact that no agreement was reached and shall make no report unless otherwise directed by all parties involved in the mediation.

If no resolution is reached between the parties, the CEO may, but is not required to, prepare a written report and shall, in any event, recommend what action, if any, should be taken. Where there is evidence to support the complaint, appropriate corrective or disciplinary action will be taken. If the complaint involves the CEO, an association volunteer or a member of the Board of Directors of CALA, a report must be provided to the President of the Association (or to the Secretary if the complaint involves the President) who may convene a meeting with the involved parties at the earliest possible date.

If the matter is not resolved to the satisfaction of the complainant, the CEO shall discuss with him or her other avenues, whether internal or external to the Association, including the grievance procedure set out below, which he or she may pursue.

2. Grievance Procedure

A grievance is a formal statement of complaint regarding working conditions at CALA. Any volunteer has the right to use the process described below to resolve a grievance, whether or not he or she filed a complaint with respect to the issue. The Association recognizes that the prospect of raising a grievance is an uncomfortable decision for many. The Association respects the individual's right to raise a grievance without the fear of reprisals for doing so.

The following terms and definitions apply to this section:

Grievance process. A process whereby grievances are raised, reviewed and resolved.

Issue. An action or circumstances perceived by a person to be inappropriate or in contravention of established Association procedures or policies regarding working conditions.

Investigation. The review of facts concerning an issue to ascertain if there is or has been inappropriate conduct or circumstances or a contravention of established Association policies or procedures.

Dispute resolution. The process of resolving the grievance, which may include formal interviews, informal discussions, mediation with or without an external mediator, and an agreement or a decision by the CEO with respect to the appropriate remedy(s), if any. It is considered desirable that the grievance can be resolved to the satisfaction of all involved parties.

Remedies. Those actions instigated to rectify an issue as a result of a grievance.

Internal review. That part of the grievance process whereby the Association reviews an issue.

External review. That part of the grievance process whereby an appropriate agency that is external to the Association reviews the issue.

The grievance process involves the following actions

- Recognition of an issue
- Notification of the issue
- Investigation
- Dispute resolution
- Remedies and satisfaction with the process or further action via referral to other dispute resolution forums as may be necessary.

Recognition and Notification of an Issue

If a volunteer believes that an issue exists, he or she (the “complainant”) may file a grievance with the CEO.

In the event that the grievance involves the CEO, then the complainant shall file the grievance with the President of CALA rather than the CEO, and the President shall assume, or the Board

may appoint another Director of the Association to assume, the role and responsibilities of the CEO as set out in this Grievance Procedure.

The grievance shall be in writing and shall include sufficient details to allow the CEO to conduct an investigation. The grievance shall include a statement with respect to the remedy(s) desired by the complainant.

A complainant may choose to be represented, at any stage in the grievance process, by any person of his or her choice, other than another CALA employee. It is not CALA policy to provide any funding with respect to such representation.

Investigation

Upon receiving the grievance, the CEO shall conduct an investigation, which shall include the following:

1. interviewing the complainant;
2. interviewing any person who is implicated in the grievance;
3. interviewing any witnesses identified as a result of the above; and
4. keeping a record of all aspects of the investigation.

The CEO may involve, and may delegate the investigation to, an external qualified human resources consultant. In the event that a consultant is retained to investigate, or to assist in the investigation, the consultant shall provide a written report to the CEO at the conclusion of the investigation and, on request, shall provide interim written reports.

All interviews will be held in a private area; however, all information received will be recorded and may be shared by the CEO with the complainant and with any party implicated in the grievance if the CEO considers such sharing of information to be necessary or appropriate for the completion of a full and fair process or for obtaining a satisfactory resolution of the grievance.

Dispute Resolution

Once the investigation is complete, the CEO may conduct separate interviews and discussions with the involved parties and may convene a meeting of the involved parties in an attempt to resolve the grievance. The CEO may retain an external qualified human resources consultant or other professional to mediate the grievance. If an external mediator is involved and no agreement is reached, the mediator will disclose only the fact that no agreement was reached and shall make no report unless otherwise directed by all parties involved in the grievance.

If no resolution is agreed upon, the CEO shall prepare a written report, which shall include a summary of the grievance process and the CEO's finding that:

1. the Association does not consider the issue as identified by the complainant to be an issue;
2. there is insufficient evidence to support the grievance;
3. the grievance has been substantiated, but has already been adequately resolved and no further corrective action or disciplinary action is required; or
4. the grievance has been substantiated and further corrective action or disciplinary action is required.

Remedies

Where a finding is made under paragraphs 1, 2 or 3 above, the CEO shall discuss with the complainant any other avenues, whether internal or external to the Association, that may be available to him or her to pursue the issue further.

Where a finding is made under paragraph 4, the CEO may conduct separate interviews and discussions with the involved parties and may convene a meeting with the complainant and the other involved parties to discuss what corrective or disciplinary action will be appropriate and acceptable to the complainant. If there is no agreement between the CEO and the complainant with respect to the appropriate remedy(s), the CEO shall make a decision as to the appropriate remedy(s) and shall advise the complainant of his or her decision.

Remedies may include, but are not limited to:

- Amendment to or formulation of Association policy or process
- Conduct of volunteer training or counseling
- A formal apology

If the complainant advises the CEO that he or she is not satisfied with the remedy(s) taken, the CEO shall discuss with the complainant any other avenues, whether internal or external to the Association, that may be available to him or her to pursue the issue further.

If the complainant is yet not satisfied with the CEO's recommended remedy(s) and deems that internal grievance procedures have been exhausted and alleges either that the Board policy has been violated to his or her detriment, or that Board policy does not adequately protect his or her human rights, the complainant shall file the grievance with the President of CALA for final resolution.

If the grievance involves the CEO, an association volunteer or a member of the Board of Directors of CALA, the written report must be provided to the President of the Association (or to the Secretary if the complaint involves the President) who may convene a meeting with the involved parties at the earliest possible date.

General Procedures

All activity concerning the notification of an issue, the investigation and any subsequent dispute resolution (excluding the content of any mediation with an external professional) and agreement or decision with respect to remedy(s), if any, is to be formally recorded by the CEO and a written copy provided to the complainant. The complainant is to be invited to review the documentation and to advise whether, in his or her opinion, it is a true and accurate account. If the complainant agrees with the document, he or she will be requested to sign the Association copy to acknowledge this. If the complainant advises of inaccuracies in the document the CEO will review the document and make relevant amendments if he or she believes such amendments to be warranted. If the CEO does not believe that amendment of the document is warranted, he or she will advise the complainant of this and invite the complainant to record his or her objections on the Association copy.

The Association requires that all employees and/or volunteers or members involved in any part of the grievance process undertake their assigned or assumed duties in a timely, professional and responsive manner. As a guide the following timings are provided:

- The notification of an issue is to be reported to the CEO, or the President as applicable, within one working day of its receipt.
- The formal record of the grievance process is to be finalized for review by the CEO and distribution to the complainant within five working days of the agreement or decision with respect to appropriate remedy(s), if any.

All documentation concerning the grievance process is to have restricted access in accordance with the Association's privacy policy.

All documents concerning Association actions in response to a notified issue is to be retained by the Association and is not to be amended or destroyed without written confirmation by the CEO.

All notifications of an issue are to be recorded in the Association's grievance register regardless of how minor they may be or how quickly they are resolved. The register is to include the date and time of the notification, the name of the person filing the grievance, the nature of the grievance, the date and time of the resolution, and a statement as to whether the grievance was resolved by agreement or by decision of CALA.

4. Copies of these procedures

A volunteer, on commencement of volunteer activity, will be provided with a current copy of these procedures and will be informed to consult the "feedback" mechanism on the CALA website at www.cala.ca/feedback.html . The website will maintain an updated version of this document (AD06-08) at all times.