WORKPLACE CONFLICT MANAGEMENT

PURPOSE

1. The Government of Nunavut (GN) is committed to providing excellence in service to all Nunavummiut. It is important for all public service employees within the GN to work collaboratively in the achievement of this mission.

   In the pursuit of this commitment the minimization of conflict among all public service employees is vital to promoting a respectful workplace that contributes to high staff morale.

   It is recognized that workplace conflict can arise from time to time among public service employees. The government is committed to informing employees about the need for a workplace free of conflict, providing tools to address conflict so that employees maintain their work commitments and to support workplace wellness.

   Departments and public bodies within the GN are responsible for identifying where needed and maintaining a workplace conflict management program.

PRINCIPLES

2. This directive is guided by the following values and expectations:

   - *Ajjigiktitsiniq* – Public service employees must carry out their responsibilities in a way that is fair, objective, and impartial.

   - *Ujjiqsuittiarniq* – Public service employees must perform their work in a courteous and conscientious manner and be respectful of the needs and values of co-workers.

   - The GN actively promotes in the public service a workplace atmosphere of mutual respect, fairness, and concern.

   - The Department of Finance shall provide departments and public bodies with the appropriate tools or materials, procedures, advice and training for maintaining a workplace conflict management program.

APPLICATION

3. This directive applies to all employees of the GN and public bodies.

   The directive covers all forms of workplace conflict that may occur at work or away from the workplace, provided the conflict arises within the context of the employment relationship.

   The existence and implementation of this directive does not foreclose upon an employee's rights to pursue other remedies. These may include private legal remedies, grievances, or complaints under applicable legislation.

   The GN will not be responsible for the provision of legal services to employees who wish to pursue other remedies.

DEFINITIONS

4. **Workplace Conflict** for the purpose of this directive is conflict related to work that may occur in or outside the workplace and is different from harassment in that:
   - the individual is usually not intending to harm others affected by the conflict,
   - may not realize conflict has occurred,
   - may feel it is their duty or right to be acting the way they are,
   - and that they are helping or positively contributing to the organization or individuals affected by their actions.

   It may include differences in approaches, communication styles, culture, values, beliefs, mannerisms, and personal interests.

5. **Workplace Conflict Management Process** means any positive process for resolving disputes, other than the more formal, traditional or legal methods of resolving disputes including Court adjudication; tribunals; grievance processes; or harassment complaint processes. Positive processes can include negotiation between affected parties, coaching parties towards resolution, and mediation.

6. **Investigator** is a neutral person designated by a Deputy Head to carry out an investigation into a workplace dispute including a complaint pursuant to this directive.

7. **Mediation** means use of an independent, impartial, and respected third party in settlement of a dispute. Unlike an arbitrator the mediator has no power to force acceptance of his or her decision but relies on persuasion to reach an agreement.

PROVISIONS

8. Workplace Conflict Management

(1) Conflict is normal in the workplace as in any social environment. The workplace should where ever possible utilize conflict as a positive and creative tool. Workplace conflict can:

- Help to raise and address problems
- Focus work functions on the most appropriate issues
- Lead to workers seeing multiple options for addressing issues

(2) Early identification and intervention needs to be a natural part of workplace conflict management. Conflict is unacceptable when it for example affects employee morale and workplace operations.

(3) Any conflict management process must ensure the integrity of the chain of command, support the role and mandate of the unions/associations, and support departmental priorities.

9. Complaint Procedure

(1) Employees who believe that they are being affected by workplace conflict should immediately report the conflict to their supervisor. A complaint can also be made to a Human Resources Manager or designate, employee relations consultant, and or union/association representative where applicable, particularly where the conflict involves the supervisor.

(2) They should make notes of the incidents of conflict specifying the dates, times, locations and the name of the person(s) they are in conflict with.

(3) The supervisor or resource representative contacted as per 9. (1) will assess the situation, and in consultation with the complainant, take immediate action to try to bring about an appropriate resolution of the conflict.

(4) If for any reason the above is not feasible or if the above efforts fail to resolve the perceived conflict, complainants have three options to consider in deciding which course of redress is most appropriate. The complainant can:

- Request a mediated solution through their Deputy Head or the Deputy Minister, Finance
- Submit a formal written complaint to their Deputy Head or Deputy Minister, Finance or
- Submit a grievance in accordance with Human Resources Manual (HRM)701: Grievances and Complaints or their collective agreement

10. **Role of the Mediator**

(1) The mediator will attempt to reach an agreement between the complainant and respondent and will provide a report to the Deputy Minister, Finance about the outcome of that process.

(2) Mediation can proceed when the complainant and respondent agree in writing that they concur with entering a mediation process

(3) The responsible Deputy Head will assign a mediator acceptable to the complainant and respondent.

(4) If a mediated solution is reached, the complainant and respondent will sign the agreement which will be limited to a description of the resolution of the complaint. Copies will be confidential, filed according to Human Resources practices, and non-disciplinary, subject to no new allegation of conflict arising between the parties during the following one-year period.

(6) If any wrongdoing related to the complaint is established, or if the mediated agreement includes an admission of wrongdoing by either party, the responsible Deputy Head may take corrective action.

11. Complaints Investigation Process

(1) Supervisors to whom complaints have been made will:

- Inform all employees of their rights and responsibilities
- Treat all complaints seriously and confidentially, and act upon them immediately
- Conduct an assessment of the complaint to determine if it is workplace conflict and not for example harassment or a performance issue. A Human Resources Manager or designate, (see section 18 of HRM1010) may be asked to assist with the assessment

(2) The Manager, Workplace Health, Safety, and Wellness will appoint a person not directly involved in the complaint to investigate the complaint, taking into consideration the need to have an investigator with the appropriate official languages skills.

12. Rights of the Complainant

(1) Persons who complain under this directive have the right to:

- Have their complaint reviewed without fear of embarrassment or reprisals, through the inquiry and redress procedures established in this directive;
- If they choose, be accompanied by a person of their choice during interviews and/or mediation sessions related to the conflict. Any costs incurred by the respondents are their responsibility;
- Know that their written complaint or comments will not be placed in their personnel file;
- Subject to the provisions of the *ATIPP Act*, to be informed of the corrective measures implemented as a result of a substantiated complaint

13. **Responsibilities of the Complainant**

(1) While it is readily understood that workplace conflict causing distress will not be tolerated, it is equally important that employees refrain from misusing the Workplace Conflict Management Directive by attempting to apply it to issues related to normal job-related activities, communications, or appropriate social interactions by submitting frivolous or aggravating complaints.

(2) It is the responsibility of employees in a workplace conflict situation where they are feeling distress to seek information from their supervisor or from a representative as per 9 (1) on mechanisms which are available to resolve the conflict.

(3) It is the responsibility of the employee to make their distress known, if possible, directly to the respondent, to cooperate with the persons who are responsible for assisting to resolve the conflict and to make themselves and their representatives available so that the complaint can be investigated in a timely fashion.

(4) It is the responsibility of the employee affected to describe their concerns clearly and if using witnesses describe how they support the concerns of the employee.

14. **Rights of the Respondent**

(1) Persons involved with the conflict have the right to:

- Be presented with a description of the conflict and employee(s) affected, including the name(s) of the complainants; and to be given an opportunity to present their views on the reported conflict
- If they choose, be accompanied by a person of their choice during interviews and/or mediation sessions related to the conflict, although any costs incurred by the respondents are their responsibility
- Receive fair treatment in resolution of the conflict
- Obtain information about the status of the complaint subject to *ATIPP Act*
- Know that nothing will be placed on their personnel file as a result of the reporting of the conflict

15. **Responsibilities of the Respondent**

(1) It is the responsibility of an employee who has been identified as in a conflict situation with a complainant to cooperate with the persons who are responsible for dealing with the investigation of the reported conflict and to make themselves available so that the conflict can be investigated in a timely fashion.

16. **Roles and Responsibilities of Supervisors**

(1) Supervisors are responsible for but not limited to:

- Understanding this directive and be able to explain it to all their employees and to other persons working in their area of responsibility at the GN
- Resolving the conflict and prevent employee distress due to the conflict
- Addressing the conflict in an appropriate manner when it comes to their attention and inform their deputy head when they become aware of a situation where there is workplace conflict causing distress, and seek advice on the best way to address the situation
- Ensuring that no retaliation occurs against persons involved in reported conflicts
- Assisting in the investigation of any concerns reported under this directive as requested and monitor those involved after appropriate action has been taken to address the conflict

17. **Roles and Responsibilities of Departmental Deputy Heads**

(1) Departmental Deputy Heads are responsible in consultation with the Deputy Minister, Finance for but not limited to:

- Addressing situations of workplace conflict as fairly and expeditiously as possible
- After receiving the final investigation report on workplace conflict, determine if the reported concerns are founded and decide on a process for resolution
- Informing the complainant, respondent, and the responsible supervisors of the corrective action taken if any
- If the reported conflict is not founded; advise in writing the complainant and respondent reported as precipitating/contributing to the conflict and supervisors

18. **Roles and Responsibilities of the Deputy Head of Finance**

(1) The Deputy Minister, Finance is responsible for but not limited to:

- Developing and recommend guidelines to prevent or address conflict in the workplace
- Ensuring that all employees receive information about this directive
- Providing advice and support in the administration of this directive

19. **Roles and Responsibilities of the Manager, Workplace, Health, Safety, and Wellness**

(1) The Manager, Workplace, Health, Safety, and Wellness is responsible for but not limited to:

- Administering the mediation process described in this directive
- Have complaints brought by employees or supervisors investigated as provided under *Provision 11: Complaints Investigation Process*
- Informing those involved in the conflict, their supervisors, and other parties involved when an investigation is underway and the progress of the investigation in accordance to *ATIPP Act*
- Providing a copy of the investigator's report to the complainant and respondent subject to *ATIPP Act*, and give them the opportunity to respond to statements made or provide additional information
- Providing information and resource materials on workplace conflict management
- Ensuring that the investigative process is completed and a final report, is submitted to the Deputy Head as soon as possible and normally within two (2) months after a request for an investigation has been made

20. **Roles and Responsibilities of Investigators**

(1) Investigators are responsible for but not limited to:

- Conducting a formal investigation of workplace conflict in an impartial, thorough and discreet manner in accordance to *ATIPP Act*

- Interviewing both the complainant and the respondent to the conflict as soon as possible
- Determining which information and witnesses are relevant to the conflict
- Interviewing relevant witnesses and review any documentation related to the conflict situation
- Completing the investigation and submit a report within six (6) weeks of commencing the investigation

PREROGATIVE OF EXECUTIVE COUNCIL

Nothing in this directive shall in any way be construed to limit the prerogative of Executive Council to make decisions or take action respecting the workplace conflict management directive of the GN, outside the provisions of this directive.

AUTHORITIES AND REFERENCES

Public Service Act

Nunavut Human Rights Act

Collective Agreement with the Nunavut Employees Union

Collective Agreement with the Nunavut Teachers Association

Excluded Employees' Handbook

Senior Managers' Handbook

Harassment Free Workplace Policy

Access to Information and Protection of Privacy Act

Human Resources Manual
Section 701 – Grievances and Complaints
Section 801 – Employee Discipline
Section 1010 – Harassment Free Workplace

CONTACT

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