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Conflict Resolution Principles & Procedure¹

Purpose

Mass Culture recognizes that conflicts are a normal and even a healthy part of human interaction, and may occur for various reasons. If conflicts are identified and recognized promptly and treated appropriately, the knowledge gained can enrich and improve our organization.

Mass Culture also recognizes that an unaddressed conflict, whether because it is avoided or improperly handled, can escalate causing people harm and having a negative impact on the organization.

Prevention and, if required, early intervention efforts are key to fostering collaboration and to maintaining healthy and respectful work relationships.

The purpose of this policy is thus to provide an effective, consistently applied, and transparent method to address conflicts and disputes. Such issues may arise in relation to Mass Culture's activities, its governance, or the conduct of its directors, staff, members, and members of the public.

Application

A complaint under this policy may be made verbally or in writing by any person involved with Mass Culture or its activities, noting that:

- A complaint about a real or perceived conflict of interest will be addressed in conjunction with Mass Culture's *Code of Ethics Policy*.
- Staff complaints involving interpersonal relations are addressed through this policy in conjunction with applicable HR policies and procedures.
- Staff complaints involving compensation, performance, or other HR issues are addressed through HR policies and procedures.
- Formal complaints of harassment or discrimination based on protected grounds under the *Ontario Human Rights Code* or the *Canadian Human Rights Act* will be dealt with in accordance with the *Anti-Harassment Policy*. In addition, nothing in this policy prevents or discourages anyone from filing an application with the

¹ This Conflict Resolution Policy is based on a template written by Sheila Wilmot, Consultant for the MANO (Media Arts Network of Ontario) Conflict Resolution Working Group and published by MANO in January 2016.

Human Rights Tribunal of Ontario or the Canadian Human Rights Commission matters related to the protection of human rights.

- Complaints arising out of disputes between Mass Culture and other organizations with which it is engaged in a shared project will be resolved through the terms of that agreement. Mass Culture shall ensure that a dispute resolution clause is included in all agreements made with partner organizations.
- Members of Working Groups and staff persons are obligated to comply with the present Policy and with related by-laws and policies as a condition of membership or employment. Failure to cooperate with these policies may result in the undertaking of disciplinary procedures.
- Where Collective Agreements are in place for employment arrangements, the processes therein shall apply. If the Collective Agreement is silent with respect to conflict resolution, the terms in this Policy shall apply.

Policy Guidelines

Internal Conflict Resolution: The skills and resources of Mass Culture will be developed and used to resolve conflicts in a manner that is interest-based, understanding-based, facilitative, collaborative and fully participative whenever possible. Seeking external advice and expertise is recommended in cases of formal complaints.

Personal Responsibility and Engagement: All parties to a complaint should actively participate in order for the process to be as fair as possible. The parties will strive to achieve a collaborative resolution and outcome at the earliest possible stage of the process. If one or more parties are unwilling to participate, the process shall continue and a resolution determined with the available information. If a one or more parties are unable to participate they may appoint a proxy to participate on their behalf.

Confidentiality: Information about a complaint will only be given to parties directly involved. If any information about the complaint needs to be shared with other parties in order to facilitate a resolution, all reasonable efforts will be made to seek the approval of all parties.

Transparency: The parties will be provided clear and understandable reasons for decisions relating to complaints. All parties will be provided with updates during review processes at reasonably determined intervals.

Timelines: Complaints will be dealt with promptly and resolved as quickly as possible.

Fairness: Every effort will be made to ensure the review of complaints will be fair, impartial and respectful, allowing all parties to have their perspectives heard.

Thoroughness: Review of complaints will be thorough and as detailed as possible, based upon the information provided by the parties.

Accessible and User-Friendly: The process will be easily accessible and communicated to people associated with Mass Culture or its activities. It is designed to be clear and as simple to follow as possible.

Training and Professional Development: The organization will make conflict resolution a central and regular part of board governance training and staff professional development, setting aside time and resources on an annual basis to do so.

Procedures

Informal complaints & dispute resolution

An informal conflict resolution effort happens when a person seeks information, expresses their concern(s), engages the other party to a dispute in dialogue, and is able to resolve a dispute without recourse to a formal complaint.

When disagreements arise, it is expected that the parties involved will attempt to speak with each other about their concerns. In addition to the following considerations, both parties in this conversation will use Mass Culture's *Code of Ethics* as their guide for how to conduct themselves in discussing the dispute.

- Choose a time and place to meet that is private and agreeable to both people.
- Allow a reasonable amount of time.
- The meeting should not be about one person "winning" and the other "losing." It should be about coming to a mutual understanding. This takes patience and a willingness to listen to the other's point of view and not to dismiss it as the "wrong" point of view.
- Speak directly from how you feel/think or felt/thought, and speak directly to the issue. Use "I" Statements and "Active Listening" techniques. Avoid belittling the other person, or dismissing their thoughts or feelings as these behaviours do not encourage resolution.
- The goal is for the parties to learn from the conversation, including how to avoid miscommunications and/or misunderstandings in the future. Helpful questions to this end include, "If what I / you said or did came across like that, what can I / we do to help prevent this happening again?"

If the steps taken within the informal dispute process does not resolve the disagreement, the Complainant may ask for assistance from the appropriate Responsible Contact Person (see below). This may be done orally or in writing.

When communicating in writing the Complainant will note in their correspondence that they are making an informal complaint and are communicating in order to get help to resolve it.

Responsible Contact Person for Informal Complaint:

The Complainant should contact any one member of the Conflict Resolution sub-committee with whom they feel comfortable. The person contacted by the Complainant shall be the Responsible Contact Person.

When approached with an informal complaint, the Responsible Contact Person will ask each party to report on any initial resolution efforts, and will consult as needed with the other members of the CR sub-committee.

The Responsible Contact Person will make efforts to resolve the matter informally within the first two (2) weeks after the complaint is made. This time period may be extended by mutual agreement of all parties.

The Responsible Contact Person will have a conversation with each party separately to: a) discuss their perspective on and interests engaged in the dispute, and; b) to review the internal informal dispute resolution methods available to them.

Both parties shall be invited to participate in processes such as informal meetings, negotiations, facilitated meetings, or shuttle or in-person mediation. If there is more than one Complainant or Respondent this may

involve multiple, separate meetings. If one party refuses participation in either facilitated discussions or a mediation process, the process will become that of a Formal Complaint. .

The Responsible Contact Person or another member of the CR sub-committee will act as facilitator or mediator in the chosen process. The choice will be made based on the person's conflict resolution training and the ability to remain neutral in the specific situation.

If this process comes to an acceptable informal outcome to all parties, the matter will be considered to be resolved.

Formal Complaints and Resolution

If informal resolution efforts do not achieve an acceptable outcome within two-weeks, or the mutually agreed upon timeline, or to the satisfaction of the Complainant, the Complainant may submit a written formal complaint. A formal complaint must be submitted in writing or as a video.

A formal written or otherwise recorded complaint will be submitted to all members of the Conflict Resolution sub-committee, except when the Respondent is a member of the sub-committee. This shall include:

- (a) The Complainant's name;
- (b) The Respondent's name;
- (c) Detailed information about what the issue is, i.e., what has taken place, where, and when;
- (c) Details of all prior efforts to achieve a resolution;
- (d) The specific outcome(s) the Complainant is seeking;

- (e) A response from the Respondent to the complaint, which should be submitted two (2) business days after receiving the written complaint above.

Complaints that do not provide all of this information will be considered incomplete. All parties shall be provided with all materials related to the complaint.

Responsible Contact Person for Formal Complaints:

The CR sub-committee shall designate a member of that committee as Responsible Contact Person. Should any member of the CR sub-committee be the Respondent, that person will be recused from reviewing the complaint.

The Responsible Contact Person will within one business day acknowledge to the Complainant and the Respondent the receipt of the complaint and response.

The Responsible Contact Person will then proceed as follows:

Review the complaint to ensure all information is included cited above. If the RCP requires any additional information to properly assess the complaint they will request it directly from the Complainant and/or Respondent. The review will include assessing and making note of organizational by-laws, policies and codes that might have been violated.

If the issues raised by the Complainant include matters that directly engage the Human Resources Policy, reports of harassment or discrimination based on protected grounds under the *Ontario Human Rights Code* or

the *Canadian Human Rights Act*, or report incidents of Workplace Violence (as per the *Occupational Health and Safety Act* of Ontario), the relevant policies and procedures will be followed. The Responsible Contact Person will immediately notify the designated contact people for those policies and procedures, and advise the Complainant of this. Immediate courses of action may include separation of parties and initiation of a third party investigation.

The review may also include seeking advice from an External Advisory Group constituted to assist in resolving the complaint, or from another external source of expertise. If formal complaints involve multiple Complainants or Respondents that are staff and/or members of the Operations Group, or are non-HR contract disputes, the Responsible Contact Person shall seek advice from the External Advisory Group or a legal expert. Such complaints may then be referred to an external adjudication process, suitable to the type of complaint

Within one (1) week of complaint receipt, the Responsible Contact Person will:

- (a) inform the Complainant and Respondent that they have carried out an initial review of their complaint;
- (b) provide the Complainant and Respondent with a copy of this Policy;
- (c) review the informal dispute resolution process, and;
- (d) communicate additional information required to all parties, including:
 - (i) Any referral of the complaint to a separate process
 - (ii) Available informal or assisted resolution options as set out in this Policy, section
 - (iii) That processes in relation to this Policy cannot result in an award of damages or compensation to the Complainant, Respondent, or anyone else;
 - (iv) That processes in relation to this Policy may or may not result in disciplinary measures against the Respondent.
 - (v) That the Respondent will receive a copy of the Complaint (with the Complainant's name) if it is not resolved through informal resolution mechanisms.

Notice to Respondent (offer of Informal Dispute Resolution)

Consistent with the timeline, and when the Responsible Contact Person is satisfied that the requirements outlined above are met, and has determined that written complaint disclosure will not jeopardize the potential for an Informal Dispute Resolution process, the Responsible Contact Person will send to the Respondent:

- (a) A copy of the complaint;
- (b) Supporting materials, if applicable;
- (c) An assessment of organizational policies and/or codes of practice that may be engaged;
- (d) A copy of this Policy;
- (e) A request for a response within two (2) weeks;
- (f) An offer to facilitate Informal Dispute Resolution.

If the Respondent does not reply within two (2) weeks, the Responsible Contact Person will notify the other members of the CR sub-committee, who will then decide on a course of action with the information provided to date.

Initial Response to the Complainant (offer of Informal Dispute Resolution)

Upon receipt of a timely response from the Respondent, the Responsible Contact Person will send to the Complainant:

- (a) A copy of the response;
- (b) Supporting materials, if applicable;
- (c) An assessment of organizational policies and/or codes of practice that may be engaged;
- (d) An offer to facilitate Informal Dispute Resolution.

If both parties accept the offer of Informal Dispute Resolution, the Responsible Contact Person will set dates within one (1) week to facilitate the Informal Dispute Resolution process. This may include such processes as informal meetings, facilitated negotiation, facilitated meetings or shuttle or in-person mediation. Upon approval from the Operations Group, the Responsible Contact Person may engage a mediator external to the organization. The parties to the complaint may each invite a Support person to attend all meetings.

Any agreed resolution of the complaint arrived at through Informal Dispute Resolution shall form a Minutes of Settlement and signed by both Complainant and Respondent, and a witness. These Minutes of Settlement shall be confidential. Any exception to the confidentiality of the Minutes of Settlement will be listed in the Minutes of Settlement and made on a case by case basis taking into consideration what information is needed for regular organizational duties to be performed. Considerations when making an agreement should include:

Is the agreement within the scope of the parties' decision-making powers in relation to their organizational role?

Is the agreement realistic and durable?

Does the agreement in any way compromise Mass Culture?

Are there elements of the agreement that impact on Mass Culture's operations, policies, reputation, external relationships or public perceptions?

If both parties do not accept the offer of Informal Dispute Resolution, or if Informal Dispute Resolution does not resolve the complaint, the Responsible Contact Person will immediately forward the Complainant's and Respondent's documentation and the Responsible Contact Person's report on dispute resolution attempts to date, to the Conflict Resolution sub-committee. The sub-committee may then seek advice from the External Advisory Group or other external source of expertise. The Conflict Resolution sub-committee will decide on a course of action with the information provided. Such action may include, but is not limited to:

- Separation of parties via work reassignment or changing of scheduling;
- Having a meeting with each party to discuss best practices for dispute resolution;
- Directions on training;
- Implementation of organizational practice and policy changes;
- Referral to HR policies and procedures, Harassment and Discrimination policy and procedures, and/or *Occupational Health and Safety Act* mandated policies and procedures for resolution.