

[REDACTED]

From: [REDACTED]
Sent: January 8, 2021 3:29 PM
To: Dana B; Bash, Dana
Cc: D'Souza, Stacia; Statham, Art
Subject: Re: Letter to OIC

Hello Dana,

Thank you for taking the time on Tuesday to express your concerns and provide some insight into your letter in December.

I have taken this matter seriously and will be looking into your specific concerns regarding behavior you have reported in the workplace. In regards to resolving these issues, I will reiterate some options you have. The first being Informal Conflict Management. I've copied below some information from the workplace wellness intranet site as you don't have direct access to it from out of the office.

What is Conflict Management?

The Office of Informal Conflict Management Services (ICMS) was established at DFO & Coast Guard in 1998 in response to employee requests for an informal means to resolve conflict in the workplace. ICMS provides employees and managers with a **confidential, neutral** forum in which to discuss and resolve workplace conflicts before initiating a formal process, or after putting a formal process on hold to attempt to resolve the conflict informally.

Informal Conflict Management is collaborative problem solving process that uses interest-based negotiation principles. Through **active listening** and **respectful communication**, we can better understand the other person's views without judging them, and effectively deal with issues that are getting in the way of a productive and positive work environment.

Under the *Public Service Labour Relations Act* (PSLRA), all deputy heads are responsible for providing their employees with informal conflict management services and for appointing a Senior Officer for this function. At DFO & Coast Guard, Workplace Well-Being has been designated this responsibility. For more information about the responsibilities associated with ICMS, please visit the [Accountability Framework for ICMS](#).

The Department has a long history of providing informal conflict management services which exceed the PSLRA requirements.

Informal conflict management services include **consultation**, conflict **coaching**, **mediations**, **facilitated discussions**, **group interventions** and **workshops** on various conflict management topics.

Pacific : Vancouver [REDACTED] [REDACTED]

Harassment Resolution (HCCC)

The Harassment Complaint Coordination Centre (HCCC) manages the Harassment Complaint Resolution Process at the Department of Fisheries and Oceans & the Canadian Coast Guard.

For more information, click on the link below that most closely resembles your status in the situation at hand.

For an overview of the entire process, view our [Official Harassment Resolution Process Map](#) (attached)

Informal Conflict Resolution / Informal Conflict Management Services (ICMS)

The first step in responding to an incident of workplace harassment is to attempt to resolve the incident at the lowest level possible. If an employee is not comfortable addressing the issue with the “harasser” directly, they can engage the help of ICMS practitioners who are there to help.

ICMS practitioners do not defend any of the two parties, but offer a neutral, fast and informal way to resolve conflicts. ICMS practitioners offer a variety of services that may be helpful in this situation, including but not limited to: advice on having difficult conversations, coaching, facilitated discussions (where they help two or more parties have a productive discussion) and mediation (where they act as mediator between two or more parties). It should be noted that using the WWB ICMS does not prevent in any way the opportunity to pursue formal complaint processes in the event the ICMS services are deemed unsuccessful. For more information about the Informal Conflict Management Services at DFO and Coast Guard, please visit the [ICMS website](#). To contact a conflict management practitioner, find the one in your region [here](#).

Violence in the Workplace

Section XX (twenty) of the Canada Occupational Health and Safety Regulations (COHSR) is one of the formal options available to you; it results from Part II of the Canada Labour Code (CLC). This is a formal complaint process, **the goal of which is to investigate potential instances of workplace violence with a view to identifying systemic issues** within the workplace that can be mitigated and/or prevented through management action. This process can be confidential, which means that the person being accused of misconduct may be prevented from knowing whom submitted a complaint. Complainants in this process do *not* receive a copy of the final report, although management *may* choose to share some of the conclusions and recommendations with individuals involved. At DFO and Coast Guard, this process is managed by Occupational Health and Safety representatives. For more information about the Prevention of Violence in the Workplace Policy and complaint process, please visit the [Safety and Security website](#).

Harassment Complaint Resolution Process

The Harassment Complaint Resolution Process is another available formal complaint process that follows the Treasury Board Secretariat (TBS) Policy on Harassment Prevention and Resolution. **The goal of this process is to determine whether harassment occurred, and gives management a report that can be used to impose disciplinary or corrective measures, if necessary.** This process is not focused on systemic issues, but *can* address them if any become evident through the

course of an investigation. Complainants and respondents in this process have access to a full disclosure of information. The preliminary and final reports will be shared with both parties. At DFO and the Coast Guard, this process is managed by subject matter experts at Workplace Well-Being, within the Harassment Complaint Coordination Centre (HCCC). For more information, please visit the [Harassment Complaint Resolution Process website](#).

Grievance Process

The Grievance Process *can* be used to address harassment, depending on your desired outcome.

The Grievance process is an option that can address other types of desired outcomes - this internal process can result in a personal remedy for the complainant

There is a possibility, however, when you submit a *harassment grievance*, that your employer will want to confirm your allegations through a Workplace Violence or a Harassment Complaint Resolution Process. If this is the case, they will ask you to place the grievance in abeyance (on hold) in order to allow the other process to move forward. If harassment is founded (ie: if it is confirmed to have occurred) through one of those two processes, you would then resume your grievance or resubmit it.

For more information about the grievance process, visit the **Labour Relations Centre of Expertise** [grievance website](#) or contact your union representative.

Multiple Processes

It is important to know that you may place any formal complaint process in abeyance (on hold) at any time if you wish to pursue informal conflict resolution. There is no time limit associated with the ICMS process, therefore it can take as much or as little time as is necessary. If resolution is unsuccessful through the ICMS process, the formal harassment complaint process can be taken out of abeyance and the process will continue.

Please note that, given the two separate goals of the Workplace Violence and the Harassment Complaint Resolution processes, these two types of processes can occur simultaneously. However, an employee may *not* submit either a Workplace Violence or a Harassment Complaint at the same time as a grievance; if both a grievance and another formal complaint have been submitted, the employee will be asked to place one of the two (either the grievance or the other complaint) in abeyance while the other process continues.

Employer / Management Responsibility

Lastly, it is possible for harassment to be addressed without a formal written complaint. If you make known to your employer (a supervisor or manager that you trust) that harassment has occurred in the workplace, they must take action whether you have submitted a formal/written complaint or not. They may need information from you in order to address the specific issue, but they do not require that you submit a formal written complaint.

Who can Help?

For help navigating the various processes available to you, you may contact your supervisor / manager, a different supervisor / manager that you trust, a mentor, your union representative, or an [ICMS practitioner](#).

To reiterate, as I have been made aware of your concerns I will be addressing them to the best of my ability. As for the request for secondment, or an acting assignment, this is not something that I would be able to specifically coordinate or approve for you at this time. As you are aware due to operational requirements, and our staffing levels I am unable to release you to another department. That being said; you are of course free to apply for other positions and opportunities as they arise.

I am ready and willing to support you in your return to work. As it stands currently, the last doctors note I received for your current sick leave request was for your leave up to the end of December, and I will need an updated letter from your doctor as soon as practicable for your continued absence.

Please let me know if you have any questions,

[Redacted]

Officer in Charge - Prince Rupert MCTS



[Redacted]

Canadian Coast Guard, Western Region

