



DISPUTE PREVENTION AND RESOLUTION IN THE WORKPLACEGUIDELINE

Dispute Prevention and Resolution (DPR) Plan

Employees of Western Quebec School Board

The Dispute Prevention and Resolution (DPR) Plan for Employees of Western Quebec (“DPR Plan”) is the result of a dialogue and collaborative work between each of the WQSB Union-Associations, Human Resources, and the Directorate General to ensure the well-being of WQSB employees and to improve the manner by which disputes and conflicts are prevented and resolved.



TABLE OF CONTENTS

1.0	Guideline Statement	2
2.0	Guiding Principles of Dispute Prevention and Resolution	2
3.0	Scope and Field of Application.....	2
4.0	References	3
5.0	Roles and Responsibilities	4
6.0	WQSB Dispute Prevention and Resolution (DPR) Structure	6
7.0	Dispute Prevention Practices	7
	A Collaborative Approach	7
A.	Participative Communication: The early involvement of other parties who will be impacted by a decision in the planning process.....	8
B.	Education and Training: Raising awareness and providing continuous education and training on conflict resolution to run DPR effectively	8
C.	Fostering Collaborative Relationships: Collaboration should be embedded into organizational life as a shared responsibility by all employees.....	8
8.0	Dispute Resolution Mechanism Steps.....	9
	Collaborative Approach.....	12
	Appendix A: Definitions	13

1.0 GUIDELINE STATEMENT

The goal of the Dispute Prevention and Resolution Guideline (“**DPR Guideline**”) is to prevent, manage, and resolve conflicts in the workplace for all persons employed by the Board. In implementing this guideline, the Western Quebec School Board wish to:

- Commit to a culture that empowers all employees in addressing their differences constructively
- Prevent the escalation of problems by encouraging resolution as early as possible
- Proactively respond to disputes and conflicts in a timely manner
- Promote collaborative and problem-solving approaches in order to create mutually satisfactory solutions
- Offer multiple conflict resolution processes for different types of problems in the workplace

2.0 GUIDING PRINCIPLES OF DISPUTE PREVENTION AND RESOLUTION

Empowerment: Promoting personal autonomy in the resolution of conflicts. Each person has a voice and can provide meaningful input into decisions that impact them. This guideline offers multiple options for informal resolution, all of which are voluntary (unless otherwise specified by the law or another formal process).

Fairness: Upholding a standard of treatment that ensures impartial, equitable and confidential support and processes that are accessible to any person working for the Board, regardless of their employee or management group.

Efficiency: Investing in the early resolution is a more efficient use of resources that can lead to more positive outcomes. When problems escalate into disputes or conflicts, it can lead to a change in mental health and well-being, grievances, investigations, legal fees, absenteeism, and workplace disruption.

3.0 SCOPE AND FIELD OF APPLICATION

The DPR Guideline applies to all employees, including management, teachers, support staff and professionals' groups. If a problem or conflict between individuals is affecting the workplace, then it is recommended to engage in the DPR process.

4.0 REFERENCES

The employer has the duty to establish and maintain a healthy and safe workplace environment. The DPR Guideline serves to support this objective.

Quebec's Charter of Human Rights and Freedoms provides that an employee has a right to fair and reasonable conditions of employment which have proper regard for their health, safety and physical well-being, as does the *Civil Code of Québec, C.Q.L.R. c. CCQ-1991* and an *Act respecting occupational health and safety, C.Q.L.R., c. S-2.1*. Employees and managers must also act in such a manner to minimize the risks that their own actions impair the right of their colleagues to work in a healthy environment. [Psychological or sexual harassment in the workplace | Commission des normes de l'équité de la santé et de la sécurité du travail - CNESST](#)

In addition, the Board abides with the *Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information, C.Q.L.R., c. A-2.1* as well as the confidentiality provisions for private dispute prevention and resolution processes in the *Code of Civil Procedure, C.Q.L.R., c. C-25.01*.

The employer has a duty to adopt and make available to all its employee's reasonable mechanisms to prevent and resolve conflicts, including DPR processes provided by this guideline. Under the Quebec's Code of Civil Procedure, every person involved in a conflict must consider dispute prevention and resolution processes before referring to the courts (including arbitration or other adjudicative processes).

5.0 ROLES AND RESPONSIBILITIES

All WQSB Employees	<ul style="list-style-type: none">• Applying this guideline in conformity with the policies and procedures of the school board• Integrating a preventive approach and prioritizing a collaborative and problem-solving approach when disagreements arise• Participating in specialized DPR training provided for the roles they are called upon to take in the DPR steps• Voluntarily engage in a DPR session when requested by another employee
School & Centre Administrators (Principals, Vice-Principals, Centre Directors, Assistant Centre Directors)	<ul style="list-style-type: none">• Promoting and reviewing the DPR Guideline with their staff periodically• Apply the occupational health and safety standards determined by CNESST• On-boarding new staff to the guideline• Communicating their needs regarding DPR to their association, union as well as the members of the WQSB DPR Committee

Unions and Associations

- Hearing the concerns of their membership and providing information, including promoting DPR
- Ensuring the application of Local and Provincial Agreements and Management Policies
- Supporting and collaborating with DPR stakeholders on this guideline and other DPR initiatives
- Promote the DPR process with their members

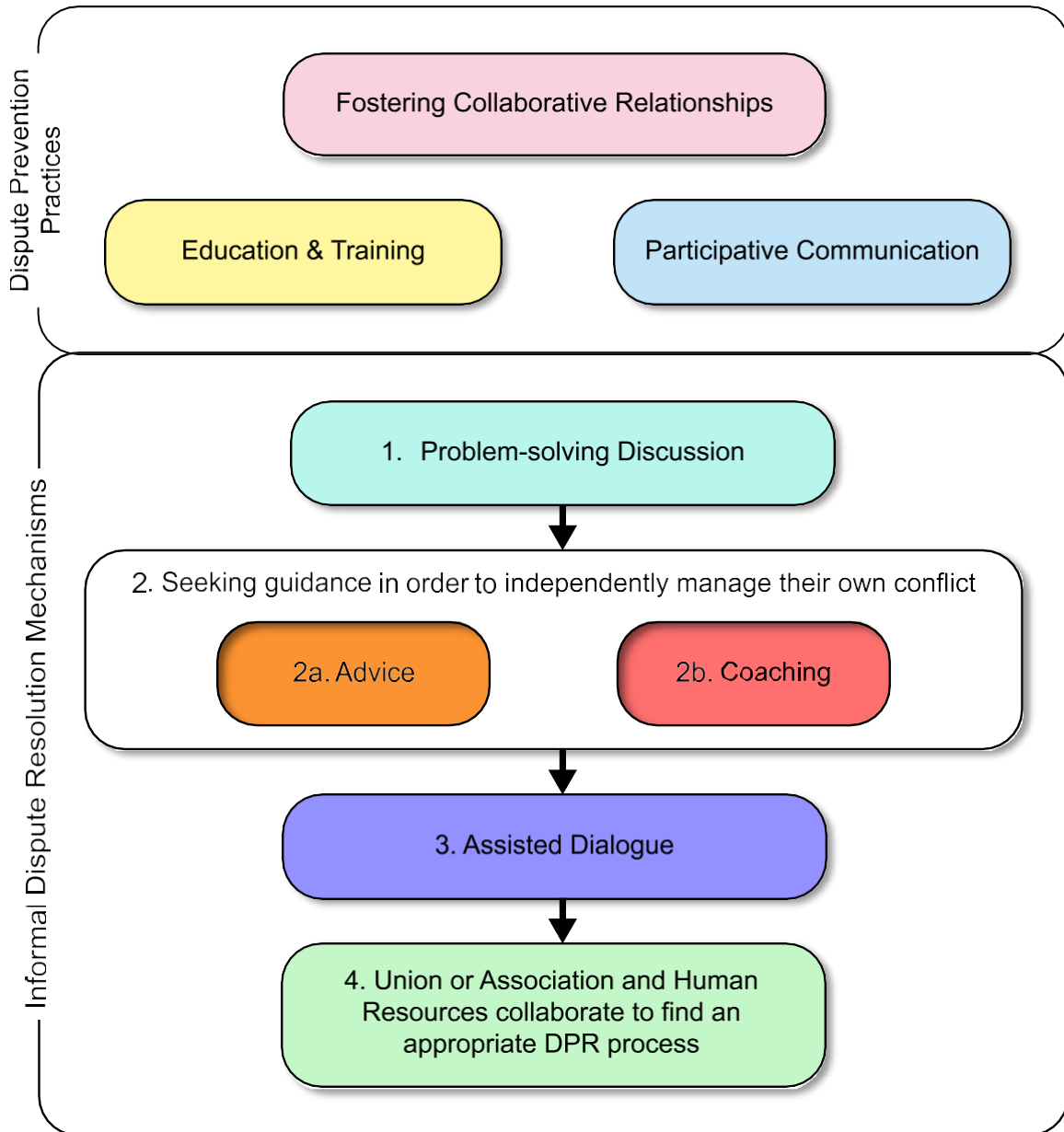
Human Resources

- At any point in time, providing information on human resource-related matters as well as policies and procedures of the Board
- Providing training, supporting outside initiatives and collaborating with DPR stakeholders on this guideline

WQSB DPR Committee

- Upholding and modeling the commitment to collaborate with partners
- Acting as ambassadors for the DPR Guideline through promotion and their presence in training and initiatives
- Being responsible for the implementation of the DPR Guideline
- Cooperating with the Provincial DPR Committee and supporting their mandate
- Meeting on a regular basis to review the use and efficiency of the DPR Guideline
- Making improvements to the DPR Guideline regularly
- Implement a yearly training (pending budget) curriculum for
 - (1) General training for all employee groups
 - (2) Specialized DPR training for employee groups who are called upon to take on supportive roles in the DPR steps

6.0 WQSB DISPUTE PREVENTION AND RESOLUTION (DPR) STRUCTURE



7.0 DISPUTE PREVENTION PRACTICES

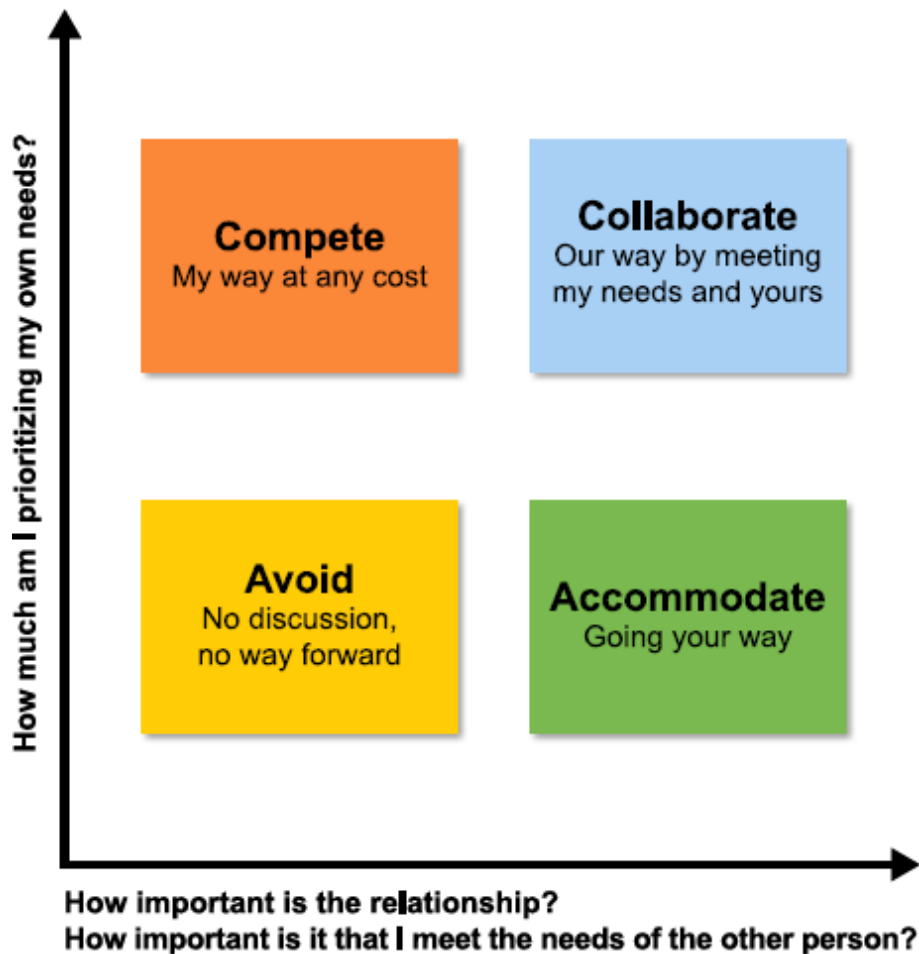
Although not all conflicts are preventable, by allowing a preventive focus with collaborative practices, the negative effects of conflict and the likelihood of escalation can be significantly reduced. This is achieved through effective prevention practices.

A COLLABORATIVE APPROACH

Below is a graphic representation of the different approaches possible to resolving a conflict. Each approach has a different outcome and attributes a different level of importance to:

- (1) meeting our own needs
- (2) meeting the needs of others, providing a safe, positive environment and how much we value a positive working relationship

The graph illustrates at the top right corner how a collaborative approach prioritizes both.



Behavior and practices that foster trust and relationships are an investment in addressing issues early and being preventative instead of reactive. Below are the prevention practices being promoted by all employee groups within the Board:

A. Participative Communication: the early involvement of other parties who will be impacted by a decision in the planning process

- Collaborative communication (through informing, consulting or consensus-building) can help prevent disputes
- People tend to have higher levels of commitment and satisfaction with outcomes when their perspective is considered in a decision process
- Other employee groups can plan and implement more efficiently when they are involved at the outset of the decision-making process

B. Education and Training: raising awareness and providing education and training on conflict resolution to run DPR effectively

- Understanding that conflict is inevitable and normal
- Understanding that addressing conflicts early leads to healthy working relationships
- Recognizing signs of a problem arising or a potential dispute
- Making information (conflict resolution tools & information on who to receive guidance from) accessible through the WQSB website and providing a guide to new employees every year

C. Fostering collaborative relationships: collaboration should be embedded into organizational life as a shared responsibility by all employees

- Creating opportunities regularly for building trust and bonding
- Committing to open communication (sharing our expectations and being open to receiving constructive feedback)
- Including and consulting different employee groups for initiatives which impact them
- Informal interpersonal check-ins between school administration and their employees

8.0 DISPUTE RESOLUTION MECHANISM STEPS

These dispute resolution mechanism steps complement, as opposed to replace, rights-based mechanisms like grievances, managerial rights, complaints or litigation. While rights-based mechanisms remain available to exercise at any point in time, the unions, associations, human resources and management groups of the board continue to prioritize non-adversarial, needs-based, problem-solving approaches to resolving issues as early as possible.

<p>Step 1</p> <p>Problem-solving discussion</p>	<p>1.1 A problem-solving discussion is a needs-based process initiated by one person who takes the lead by engaging with the other person with whom they are experiencing a disagreement. The process below provides a method to reach mutually satisfying outcomes:</p> <ul style="list-style-type: none">i. Choose an appropriate time and location (neutral and safe place)ii. Express the acts of the situation (What is the context? What is the behavior that is bothering me? What were my actions and behaviors in that situation?)iii. Share the direct impact (on the individual, on the team, on work results or on your emotions) while keeping the feedback factual rather than judgmentaliv. Share your needs, motivations, interests, values regarding that situationv. Propose a solution or a request for a change (realistic proposition that is concrete, positive and negotiable)vi. Open the dialogue to invite the other person to share their perspective. It is critical to show genuine openness and transparency when discussing the other person's concerns and actively listenvii. When converging on solutions, prioritize a collaborative approach that maximizes your needs as well as theirs to reach win-win outcomes
<p>Step 2</p> <p>Seek Guidance on how to independently manage their own conflict</p>	<p>If, despite a serious attempt at resolving the issue at the previous step there is no resolution, any employee can seek support and guidance as their next step through the two following means:</p> <ul style="list-style-type: none">2. A) Advice drawn from conflict resolution tools made available to all staff for anyone to consult online to support them in their conflict situation. (**PUT LINK TO WEBSITE)2. B) Guidance through conflict coaching techniques from your immediate supervisor, your union or association representative, your DPR representative, someone you trust, or a member of the DPR committee (ADD LINK). In this one-on-one conversation, the DPR-trained individual takes on a supporting role to the individual experiencing the dispute by using coaching techniques to help them find their own approach based on their needs so that they can independently manage their dispute.

If, despite a serious attempt at resolving the issue at the previous step there is no resolution, the parties are encouraged to use the third informal resolution step, Assisted Dialogue.

3.1 An assisted dialogue is a discussion supported by a third-party facilitator assisting the parties in (1) keeping the exchange constructive and (2) making decisions on matters which affect them.

3.2 The only persons who can conduct an assisted dialogue are DPR-trained individuals who have been identified internally to act as a third-party facilitator. The parties can individually or jointly approach a facilitator to act as a third-party facilitator. If both parties consent to participate, the process can move forward.

3.3 In an assisted dialogue, a facilitator acting as an impartial third party must:

- Be trained in Assisted Dialogue
- Ensure the confidentiality of the process (see section 9.0)
- Be professional and impartial about the situation and with the parties involved
- Uphold the parties to the commitment of a collaborative approach to find a win-win scenario
- Encourage parties to be creative in finding a mutually satisfactory solution outside of the normal remedies;
- Be responsible for the process (ex: scheduling, organizing the space, establishing ground rules, timekeeping, agendas and summarizing discussion points, conducting follow-ups).

3.4 If there is a resolution, the parties will make a written agreement summarizing the agreed upon points which the administrator who facilitated the discussion will keep a copy of (refer to section 9.5).

Step 3

Assisted Dialogue

If, despite a serious attempt at resolving the issue at the previous step there is no resolution, the parties are encouraged to use the fourth and final step of the guideline.

Step 4

Union or Association and Human Resources collaborate to find an appropriate DPR process

4.1 This step represents the final exploration of possibilities for informal resolution with a non-adversarial and problem-solving approach after Step 3 has been attempted. The joint effort of unions, associations and human resources in this step are a continuation of the collaborative spirit of the DPR Guideline.

4.2 This step may be initiated by one of the parties or any individual who has been advising or facilitating in a previous DPR step. Any of these individuals can approach a Union or Association or Human Resources to move forward with this step.

4.3 Once they have been informed that attempts made to resolve the situation have led up to this step, the Union or Association and Human Resources will work collaboratively with each other to gather information from the individual(s) involved to better understand the underlying sources of the issue.

4.4 The Union or Association and Human Resources will discuss which other DPR processes could be appropriate to support resolution of the situation. Unless the circumstances do not allow, collaborative mechanisms should be followed.

4.5 Representatives of the Union or Association and Human Resources will then meet with the individuals involved to propose the DPR processes they have identified and support these individuals in making an informed decision which suits their needs best. The preferred DPR mechanism should be noted and kept in record (refer to section 9.6) and Human Resources will be responsible for managing and coordinating the preferred DPR process.

9.0 CONFIDENTIALITY AND RECORD-KEEPING

9.1 One of the core principles of DPR is confidentiality, which fosters trust in dispute resolution. It provides the individuals involved a space to be as transparent and as sincere as possible in their attempt to find a path to resolution without any concern for this information being used outside of the process.

9.2 Any third-party called upon to assist in a DPR step must act in accordance with the obligation to preserve the confidentiality of all forms of communication, written or otherwise, occurring during the process of resolving a dispute unless otherwise stated with the expressed permission of all parties. Confidential information is only disclosed, when necessary, to the strict minimum of individuals who need to know such information in order to perform their respective duties.

9.3 Justified grounds for disclosure

The purpose of confidentiality in Dispute Prevention & Resolution is to promote trust and transparency. Exchanges are kept in confidence by the facilitator and the participants to encourage a frank and full exploration of issues between them. Legitimate disclosures which fit under the exceptions to the privilege of confidentiality include:

- When both parties agree it is disclosure with party consent
- When required by the law or any other school board policy or code of conduct
- Any information that conveys a serious risk, a threat or the occurrence of serious harm
- To prevent serious harm or clear imminent danger to an individual or the organization
- To allow for the reporting of a crime
- In conformity with the guiding principle of evaluation and continuous learning, the collection of anonymous feedback and data for the purpose of research and improvement.

9.4 Safeguards in order to respect the obligation of confidentiality include:

- a) Access to sensitive documentation (including written agreements) such as (a) physical copies be stored securely or (b) digital copies be passwordprotected
- b) Any physical records of the DPR process containing personal identifying information must be stored securely in locked file cabinets
- c) Virtual agenda or outlook items which may be visible to others which contain confidential information must be marked as private
- d) Ensuring the destruction of any transitory notes or material from the DPR process.

9.5 Breach of Confidentiality

If there is a breach in confidentiality brought forward it is possible that there will be a follow-up with Human Resources.

RECORD KEEPING

9.6 If an issue has reached resolution through **Step 3 – Assisted Dialogue**, the third-party facilitator will dispose of all transitory documentation. A copy of the agreement reached is given to both parties but also must be kept by the facilitator in a sealed record (refer to section **9.4a** for reference). This copy will only be accessible upon request by the parties themselves directly.

9.7 If an issue reaches **Step 4 – Union or Association and Human Resources collaborate to find an appropriate DPR process**, the decision taken by parties should be noted and kept by both the union and/or association involved as well as Human Resources for their own records and anonymous case data tracking.

10. Link to members of the committee and the facilitators

APPENDIX A: DEFINITIONS

- i. **Dispute Prevention and Resolution (DPR):** DPR offers multiple options, from informal to formal, to prevent the escalation of, or resolve, a problem, dispute or conflict.
- i. **Employee:** Any person employed by the Board, including teachers, school, centre or head office administrators, support staff, maintenance staff, caretaking staff, professional staff, senior management staff and human resources.
- ii. **Problem:** A theoretical or practical issue/question which implies difficulties to solve or whose solution is uncertain.
- iv. **Dispute:** A disagreement of mild intensity including differing perspectives, opinions or interests on a specific issue or a broader question.
- v. **Conflict:** A stronger opposition or serious disagreement that leads people to oppose one another and experience a state of acute tension.
- vi. **Litigation:** A conflict that is formalized and that will eventually result in a hearing before a court or another decision-making authority, and the source of which is an unresolved dispute or a dispute that meets a legal standard.
- vii. **Rights-based approach:** This approach is focused on seeking an outcome consistent with courts based on a narrow legal criteria: a right, legal or contractual obligation identifying the violation of a right or an obligation. The legal rights of the parties are at the center of the path to resolution.
- viii. **Needs-based approach:** Instead of focusing on the past, or the violation of a right or obligation, this approach requires that the parties focus on their shared future. It consists of collaborative dialogue focused on restoration, relationships and win-win outcomes. It raises questions such as: What do we need in order to move forward from the situation? How would we like things to be different in our future interactions? In a more holistic outlook, needs-based processes consider a wider range of factors rather than strictly focusing on the legal aspect of a dispute. It will invite parties to share their values, emotions as well as human, social or economic needs and concerns relating to the workplace. Once the parties understand each other's needs, they work collaboratively to determine a mutually satisfying solution.