

Early Years and Child Care Inter-Agency Dispute Resolution Policy

Peel Region Early Years and Child Care Service Providers

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Section 1: Purpose

The Regional Municipality of Peel (“Peel”) prioritizes the health and safety of all its partners and their employees and is committed to working with its partners to support them in building diverse, respectful, safe, and inclusive workplaces free from Workplace Harassment, Racism, Discrimination, or Bullying Behaviour (all as defined below).

The Inter-Agency Dispute Resolution Policy (the “Policy”) reflects the responsibilities and obligations of all workplace partners in ensuring the development and maintenance of a respectful, safe, and inclusive workplace.

The Policy responsibilities and obligations apply to the partners who receive funding from Peel Region and their employees who deliver early years and child care services to children and families in Peel (the “Organizations”) (such as Resource Consultants and Supervisors, CDRCP staff, The Indigenous Network RECEs).

Section 2: Definitions

The Act means the *Occupational Health and Safety Act, R.S.O. 1990 c. o.1.*

Bullying Behaviour means acts by a person that intimidates or demeans another person and includes, but is not limited to, abuse of power, humiliation or embarrassment, persistent and unjustified criticism, exclusion and/or isolation, threats or rumours/gossip.

The Code means the *Ontario Human Rights Code, R.S.O. 1990, c. H.19.*

Discrimination results from treating a person unequally or unfairly, rather than treating the person fairly based on individual merit. Discrimination can be either intentional or unintentional and is usually based upon personal prejudices, biases and, stereotypical assumptions related to at least one of the protected grounds set out in the *Ontario Human Rights Code*.

Employee or Staff means any person who delivers early years and child care services to the residents of Peel for an Organization that receives related funding, in Peel. This includes any person hired on a regular, contract, temporary or casual basis, working either full-time or part-time hours.

Race is a social construct. When social constructs lead us to ascribe meanings to people's identities, this can lead to unconscious bias, stereotypes, racism, and racial discrimination. **Racism** is a systemic form of oppression based on social constructs.

Inter-Agency Dispute means a disagreement between two or more separate Organizations.

Racism means prejudice, attitudes, beliefs (such as belief that one or more races are superior to others), stereotyping, and discrimination that is directed at people based on their race. Racism can manifest itself in interpersonal interactions (racial slurs, abuse, harassment) but also institutionally through policies or practices that systemically exclude groups of peoples (such as biased recruitment and hiring practices, lack of career advancement and promotion practices).

Respectful Workplace means a positive, safe, and healthy workplace that results in the preservation of equal dignity and creates a culture of inclusion that supports an individual's physical, emotional, and social well-being. The workplace includes all locations where employees conduct business on behalf of their employer or social activities and where their behaviour may have a subsequent impact on work relationships, work environment and/or performance.

Workplace means any land, premises or location, upon, in or near which an employee performs work on behalf of an Organization.

Workplace Harassment (including sexual harassment): As defined by the Act, means engaging in a course of comments or conduct which is humiliating, offensive, degrading or abusive, against an employee in a workplace that is known or ought reasonably to be known to be unwelcome.

Section 3: Scope

This Policy identifies expectations and actions for Peel and for the Organizations in cases of dispute between staff working for different Organizations. Those can be disputes based on Harassment, Racism Discrimination, or Bullying Behaviour. The requirements set out in this Policy do not replace or substitute the requirements established under the Act and the *Ontario Human Rights Code* and do not limit any obligations of the Organizations under any other legislation. As such, this Policy should be interpreted as consistent with the *Act and Code*.

Section 4: Policy requirements

Organizational Respectful Workplace Policy

All Organizations must have respectful Workplace policies. An Organization's Respectful Workplace policy must speak to compliance with all relevant legislation (OHSA s.32.0.1), regulations and policies including the standards required by the College of Early Childhood Educators for its members. The policy must be posted in a common location in the workplace.

Employee Conduct and Adherence to Respectful Workplace Policies

All employees have a responsibility for their behaviour and conduct within the Workplace. Employees are expected to uphold and adhere to their Organization's Respectful Workplace policy and contribute to a positive workplace free from Harassment, Racism and Discrimination. This responsibility extends to workplace environments that are shared with any other organizations that deliver early years and child care services in Peel region.

Employee Reporting Obligations

If an employee experiences or witnesses any behaviour or actions while working with staff from other Organizations that may violate this policy, they have an obligation to report it

through the process detailed below. All employees have a duty to report any act of Harassment, Racism, Discrimination, or Bullying Behaviour.

Please note: This Policy applies only to disputes between agencies. Disputes between employees of the same organization are to be managed exclusively by the Organization using their Respectful Workplace policy.

Section 5: Complaint process

In the event that an employee of an Organization experiences or witnesses behaviour that is inconsistent with the Respectful Workplace policy by an employee of a different Organization, they are encouraged to bring forward a complaint following the process below:

Informing

- To start a formal complaint, the employee must report the complaint to their direct supervisor. This complaint shall be documented in writing by the employee or direct supervisor. The complaint shall follow the Organization's Respectful Workplace policy complaint format.
- The Organization that receives the complaint must send written notification to the appropriate Peel manager and to the Organization where the respondent is employed, within three business days of the formal complaint. That notice must include:
 - The date the harassment or discrimination incident occurred;
 - Where the interaction took place; and
 - Names of all staff who were involved (complainants, respondents, witnesses), and their positions and employer.
- The two Organizations involved in the complaint must meet, independent of Peel, as soon as possible after receiving the written complaint notification, to discuss the

issue and to develop a collaborative approach to addressing it per their Respectful Workplace policies.

- It is the responsibility of all Organizations to ensure that all employees involved in the complaint/situation are aware of their responsibility to keep the issue confidential.

Addressing the Complaint

- The two Organizations will collaboratively prepare a written summary of the agreed-upon approach to addressing the complaint, including an approximate timeline, which will be given to Peel in a timely manner.
- Peel will have 10 business days to review and provide written feedback on the approach.
- Organizations are required to integrate Peel's feedback and implement their agreed-upon approach within the timeline as submitted in their written summary.
- If the Organizations cannot agree on a collaborative approach to resolving the issue using their Respectful Workplace policies, the Organizations may then request approval from Peel to engage a third-party investigator.
- In order to qualify for a third-party vendor, the Organizations involved must be able to demonstrate to Peel that they worked in good faith to resolve the dispute prior to submitting the request.
- Peel will meet with the Organizations to review documentation and determine if a third-party investigation is warranted.

Third-Party Investigation Contracting

- If approved by Peel, the Organization where the complaint originated will contract a third-party investigator to conduct an investigation of the complaint.
- Three quotes must be obtained prior to contracting. The quotes must be obtained in a timely manner following Peel's approval.¹
- All Organizations who are parties to the complaint and Peel must agree on the investigator selected in writing (for example, by email) before the contract is

¹ May be subject to change based on provider procurement requirements.

signed. The complainant Organization must sign within five business days of the agreement.

- Peel will provide funding to the complainant Organization for the purpose of the investigation.
- The Organizations involved will each identify a lead (not named in the investigation), who will facilitate the process with staff and the investigator. This includes providing relevant documents and policies to the investigator, as requested.
- The Organization leads will send a written update (for example email) every two weeks on the investigation to the appropriate Peel manager.
- All parties will participate actively in the investigation to support its completion.

Determination

- Once the third-party has completed the investigation, it will be required to provide the summary report with recommended next steps to the leads and Peel.
- The report shall be final.
- The report shall be confidential to the parties and Peel.
- The Organization leads will collaborate to determine an appropriate timeline for implementation of any recommendations. The timeline will be shared with Peel in a timely manner following receipt of the summary report for approval.
- Each lead will provide Peel with updates on the implementation of recommendations within the report's required timelines.

Section 6: Participation in the third-party investigation

Roles and Responsibilities

Investigator responsibilities include, but are not limited to:

- Investigating the complaint;
- Examining the circumstances of a complaint;
- Exercising objectivity and impartiality;

- Ensuring confidentiality;
- Recording/maintaining appropriate documentation;
- Making all necessary findings of fact with respect to allegations in the complaint;
- Discussing findings, conclusions and recommendations with the Organization leads involved in the complaint; and
- Informing the complainant and respondent of the results of the findings (please note that findings will not be shared with witnesses or the public).

Complainant, respondent, witness responsibilities include, but are not limited to:

- Reporting incidents to their direct supervisor or Human Resources where infringements of the Respectful Workplace Policy have occurred;
- Attending interview(s) and providing information to the investigator in a timely manner when requested (within five business days of the request);
- Maintaining confidentiality; and
- Cooperating fully in any attempts to resolve or investigate an incident.

The Organization leadership and Human Resources responsibilities include, but are not limited to:

- Actively promoting a respectful workplace that embraces diversity and inclusion;
- Providing guidance on their respectful workplace policy and the program to people leaders and employees, including to the complainants/respondents;
- Supporting the selection of an external Investigator as required;
- Reviewing their Organization's Respectful Workplace policy on an annual basis in accordance with the Ontario Occupational Health and Safety Act;
- Keeping a detailed written record of infringements or complaints brought to their attention and any action taken to assist in resolving the concern;
- Maintaining confidentiality;
- Ensuring that employees involved in the complaint/situation are aware of their responsibility to keep the issue confidential;
- Cooperating in attempts to reach an informal resolution and in the investigation of the complaint;

- Working collaboratively with Peel, third-party investigator, and the Organizations involved in the dispute;
- Help involved staff reprioritize their workload to support their participation in the investigation process;
- Taking corrective action as required within the agreed-upon timeframe and,
- Informing the complainant of any corrective action that has been/will be taken as a result of the investigation.

Peel responsibilities include, but are not limited to:

- Actively promoting a respectful workplace culture with Organizations that embraces diversity and inclusion;
- Reviewing/approving/funding Organization requests for third-party investigations;
- Maintaining confidentiality;
- Supporting Organizations in implementing recommendations;
- Taking corrective action as required if Organizations fail to participate in the investigation process or fail to implement the recommendations from the investigator's report.
- Reviewing and updating this Policy as required.

Investigation Interview Timing and Prioritization

The completion of the investigation is to be a priority of all Organizations and staff involved. This means that:

- The investigator shall book all necessary time for interviews with each complainant, respondent and witness during its introductory conversation (e.g., if it is estimated that three hours of interviews will be necessary with the complainant, all three hours should be booked upfront and the balance cancelled, if not required).
- Complainants, respondents and witnesses will respond to investigator requests for meetings and make all required meeting times available in a timely manner.
- Organizations will support employees in reprioritizing their workload to make time for investigation interviews to occur in a timely manner.

Failure to Fully Participate in Third-party Process

Failure of an organization to participate properly in a third-party process approved under this Policy (including failure of their staff to participate) or failure to implement report recommendations could result in sanctions under the Deadlines and Compliance Policy such as:

- Holds on current and future funding;
- Suspending eligibility for any upcoming funding;
- Reduced current and future funding allocations, including administration funding or any new funding initiatives;
- Holding placement of children who receive fee subsidy; and/or,
- Proposing terminating or not renewing an Agreement.

Duration of the Complaint Process

- This process must be completed in a timely manner, not exceeding three-months.
- The Organizations must notify Peel as soon as possible if the process will take longer.

Section 7: Confidentiality

- All persons involved with a complaint must ensure that the matter remains confidential. Personal information will be disclosed only on a need-to-know basis
- If applicable, third-party investigators must advise all persons interviewed that they will be expected to treat the matter as confidential, and that breaching confidentiality may lead to corrective action being taken. Persons interviewed by the investigator will be required to sign a confidentiality agreement.

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