

## Methods for Managing Disputes



### Informal procedures

The following are alternative methods for managing disputes. In these types of interventions, those involved take active roles in seeking out solutions, which is not the case during formal procedures.

#### INDIVIDUAL ACTION

- Taking individual action involves personally approaching the other person to resolve the dispute. This step can be carried out verbally or in writing.
- Some conflicts stem from communication problems. Clarifications could resolve conflicts quickly and effectively.
- To be able to take individual action, individuals may need “coaching” and assistance. The person assisting individuals can, for example, offer them a great deal of support.
- This approach is effective and should be encouraged. Moreover, it allows for resolving the conflict without a third party, minimizes the number of individuals involved, and fosters communication.

#### INTERVENTION BY A MANAGER OR THE UNION

- The parties can ask for assistance from a representative of the employer (ideally the immediate supervisor) and the union to obtain advice. They may also ask that one of the representatives get involved to resolve the dispute.

#### THIRD-PARTY MEDIATION

- Some situations are quite complex and require intervention from a neutral and impartial third party. In such cases, it is preferable to use a qualified mediator.
- A mediator is a neutral and impartial third party whose goal is to help the parties identify their interests and needs and find solutions that are mutually satisfactory.
- The mediator ensures that effective communication takes place between the parties. The process is confidential and flexible. It allows for avoiding the high human and financial costs of an investigation and prevents an unnecessary waste of time. Mediation also allows for improving communication and future

relations, and ensures a greater level of confidentiality. It allows parties to directly share their experiences in a respectful manner. In this way, those involved, especially the victim, have a greater chance of feeling as though they are being heard and acknowledged and, thus, of feeling satisfied with the complaint process.

- The use of mediation should never be mandatory or compromise the right to any other recourse. Finally, mediation can also be considered after an investigation report is filed following a harassment complaint.



## Formal procedures

### GRIEVANCES

- Recourse for employees under the collective agreement consists of grievances; grievance arbitrators have the authority to order remedies.
- However, most situations are resolved without needing to be brought before an arbitrator. It is important to note that it is very difficult to demonstrate the five criteria in the *Act respecting labour standards* and that very few cases are allowed by arbitrators.
- Even if a grievance is filed, you can still go through the mediation process at any time.

### FORMAL COMPLAINTS VIA THE COMPLAINT MECHANISM IN THE PREVENTION POLICY

- Under section 81.19 of the *Act respecting labour standards*, your employer has the obligation to adopt and make available a psychological and sexual harassment policy<sup>1</sup> and a mechanism for processing complaints that allows for managing disputes.
- The mechanism for processing complaints can provide the option of going to mediation to put an end to the situation of conflict, incivility, violence, or harassment.

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1. This same obligation will apply for businesses and organizations under federal jurisdiction starting in January 2021.