



Officers guide to resolving conflict

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WHAT IS CONFLICT?

“...an expressed struggle between two or more interdependent parties who perceive incompatible goals, scarce rewards, and interference from others in achieving their goals.”

JOYCE HOCKER & WILLIAM WILMOTT - INTERPERSONAL CONFLICT, 1995

Cultural Conflict is a conflict caused by “differences in cultural values and beliefs that place people at odds with one another”.

JONATHAN H. TURNER

Michelle LeBaron describes different cultures as “underground rivers that run through our lives and relationships, giving us messages that shape our perceptions, attributions, judgments, and ideas of self and other. She notes it is often complex and multi-layered.

SOURCE: MICHILLE BARON, CULTURE AND CONFLICT 2013

THE POSITIVE VIEW OF CONFLICT:

If social progress is built upon new solutions to problems, then conflict is required for change. Conflict serves the function of pushing society onward, of leading to new institutions and economic systems.

SOURCE: ALAN TIDWELL ON “FUNCTIONAL CONFLICT” IN CONFLICT RESOLVED?: A CRITICAL ASSESSMENT OF CONFLICT RESOLUTION, 1998.

Conflict Capacity means seeing conflict as a positive thing, and having ways to navigate conflict productively.

Regardless of the preferred definition, conflict is present in everyone’s life. How or if we choose to deal with conflict will depend on the environment and circumstances.



LEARNING TO WORK WITH AND TRANSFORM CONFLICT

Learning to work with and transform conflict in our unions is important for four major reasons:

1. To manage change.

Organizations are shifting to a rate faster than ever before. Although some are sizing-up, many are sizing-down. But whatever the direction, change is usually a prelude to many types of conflict.

2. To understand the “hand of management.”

The changes in workplaces to meet globalization efforts, differing governments and labour laws, technology, layoffs, and relocation have forced employers to find different means to be competitive locally. Management practices to maintain competitiveness often have a negative effect on the partnership it shares with the union.

3. To understand cultural differences.

Given the changing demographics in the workplace, our ability to accept, understand, and positively respond to different cultural values will become increasingly more important.

4. To understand solidarity itself.

Solidarity is one of the most used words in the labour movement. The very nature of solidarity requires people to work in groups. In the past few years, new concepts of how union groups work has experienced a renewed growth. There is a much greater focus on working together. We know conflict will occur in groups, but the strategic result is the important issue. How well did the conflict support the union’s purpose?

SO WHY DEAL WITH CONFLICT?

In short, dealing with conflict is dealing with change. The conflict may be a result of a change in the workplace, a change in the workforce, or a change in practice. Working with and navigating change and dealing with differences of opinion, belief, and values is critical in a changing workplace, in a changing community.

DEALING WITH CONFLICT

In the workplace and in a union setting, members generally want to deal with conflict in order to improve their workplace and union relationships and to change their environment.

While conflict is generally viewed as negative, it can be a catalyst for change – providing an opportunity to transform it into something different.

Transforming conflict does not need to be on a grand scale – it is about improving social relationships and building structures that respect dignity and human rights.

CONFLICT IN THE WORKPLACE, ARISING OUT OF THE EMPLOYMENT RELATIONSHIPS

Who has the responsibility to deal with workplace conflict?

It is the employer's responsibility to manage the workplace. It is their responsibility to provide a safe workplace, free from harassment, discrimination and bullying.

Employers have a responsibility to address conflict in the workplace.

Employers cannot escape their human rights, WCB, collective agreement and workplace policy obligations.

What responsibility does the union have to deal with workplace conflict?

The union can support members who are attempting to deal with conflict in the workplace – we represent members, advocate on their behalf and can help them navigate the system but employers have the ultimate responsibility to deal with workplace conflict.

The union may assist members who are attempting to deal with workplace conflict.

In an effort to help members deal with workplace conflict, the union can appoint advocates. Where the conflict is between members, the union would appoint separate advocates for the complainant(s) and respondent(s).

What role do shop stewards play in dealing with workplace conflict?

The local union executive is elected to carry out union business on behalf of the members and act for the union at the local level. Shop stewards have responsibility for representing members in relation to collective agreement enforcement and other duties as assigned by the executive.

Shop stewards work closely with their Hospital Employees' Union staff representative, and report to the chief shop steward, or directly to the local executive.

Workplace conflict can derive from the employer's failure to follow the collective agreement or properly manage the workplace. The employer must assume their responsibility to manage the workplace and ensure a safe workplace free from harassment, discrimination and bullying.

Conflict that arises between members resulting from workplace issues, or resulting from an employer decision related to the collective agreement, should be directed to the employer and where appropriate, a shop steward.

Stewards involved with grievances and other collective agreement related situations that are the basis of conflict in the workplace, should seek advice from the chief shop steward and/or the HEU staff rep.

In almost all circumstances conflict arising out of workplace issues or relationships will be referred to the employer. There may be times when the union is asked and may agree to attempt some informal resolution process. This does not take away from the employer's responsibility.

CONFLICT ARISING OUT OF UNION ACTIVITY

What responsibility does the union have to deal with conflict?

The union has a responsibility to ensure members comply with HEU's policy on human rights and mutual respect when they are acting on behalf of the union, or as the result of participating in union activity or attending union sponsored functions and events.

The union has a responsibility to assist members in dealing with conflict resulting from union activity.

The union has a "duty to inquire" – meaning, when dealing with members, including those experiencing conflict, the union may need to consider whether there is a duty to accommodate our members, in relation to their union activity.

WHERE TO START

Solidarity between members is the foundation upon which the HEU is based.

Local officers take on leadership roles when they are elected; they play an important part in promoting solidarity and respect amongst members. Local officers can help create effective locals by encouraging positive and timely communication, running engaging and respectful local meetings and promoting activism.

When local officers model good behavior – respectfully communicating with members and the employer, maintaining confidentiality, refusing to engage in racist, sexist, homophobic, and other inappropriate remarks and "jokes", refusing to participate in workplace gossip– they make an important contribution to setting a positive tone.

However, when conflict does arise in our locals, at union functions and in the workplace, local union officers are often on the front lines, trying to assist members in resolving their differences.

This guide is intended to help local union officers, other activists and rank and file members deal with conflict.

Who can help when conflict arises?

When conflict arises between members who are unable to work it out themselves, finding the right person to help is an important first step in transforming the conflict.

Some conflicts can be managed at the local level, while others will require help. Your HEU staff rep can assist locals and members to work through conflict.

There will be times when your HEU staff rep may not be able to help. These cases may be referred to the President's office.

It is not appropriate for some conflict situations to be dealt with informally, in which case members will need to formalize a complaint and access a different dispute resolution mechanism. Individuals or locals may need advice on this.

Who deals with complaints resulting from conflict at the local level?

If possible each local should form a committee of not less than two (2) executive members to receive complaints from members.

In the absence of a committee, members should direct complaints to one of the table officers.

Complaints may come from someone who is directly involved with a conflict or from members who are affected by the conflict.

Regardless of who is making the complaint, an investigation must be initiated. The committee/table officers will be responsible for investigating, or assign others to investigate informal complaints.

During the course of an investigation, or as part of a resolution process, the committee/table officers may assign other executive members to represent the members.

The committee/table officers, in consultation with others where necessary, may recommend a course of action in an effort to help members work through their conflict.

If the local committee or table officers make the assessment that they cannot assist the members, or they are not successful in helping members to resolve the problem, they can refer the matter to their HEU staff rep.

Local union executive members cannot receive complaints or investigate other members of the same executive.

Where the complaint is about an executive member, it must be referred directly to the HEU staff rep.

What sort of conflict can be dealt with at the local level?

On any union-related matter, where members are in dispute every effort should be made to resolve the matter as quickly as possible. Examples of a dispute might be: two members argument at a local meeting spills over to the shop floor; executive members that can't get along; or feuding stewards.

When embarking on an informal intervention to work through conflict, local officers must be clear with members about the process – confidentiality, initial investigation, bringing the parties together, commitment to the process. In other words, they must set the ground rules.

If local officers feel they cannot help the members, or they find themselves in a conflict of interest, they must advise the members and refer the matter to the HEU staff rep.

What is the difference between a formal and informal complaint?

An informal complaint is where members agree to try and work through a problem at the local level and/or with the assistance of their HEU staff rep.

If the HEU staff rep is unable to help resolve the matter they may call in additional resources to assist or the issue may be referred to the President's office.

If informal interventions fail, and depending on the issue, members may have access to a range of formal processes – HEU's Policy and Procedure Designed to Protect Human Rights and Encourage Mutual Respect, the collective agreement, HEU's Constitution and By-laws or even third party tribunals.

In some cases, formalizing the complaint at the very beginning will be appropriate.

What can a member do if they believe there is a conflict of interest?

A conflict of interest exists where the responsibilities of office conflict with the private interests of the member. An example might be where the complaint concerns the spouse of a committee member/table officer.

If a conflict of interest exists or where one develops, the committee member/table officer must step aside and refer the matter to their HEU staff rep.

If a conflict of interest exists or where one develops in relation to the HEU staff rep, the representative will immediately step aside – they will inform their supervisor and the matter may be referred to another HEU staff rep or it will be referred to the President's office.

What can members do if they are not satisfied with the process or outcome?

At any point, if a member is unhappy with how a local is managing the process, they can refer the matter to their HEU staff rep. If members are unhappy with how their representative is managing the process, they may refer the matter to the President's office for review and/or contact the representative's supervisor.

If members are not satisfied with an outcome, either the local or the HEU staff rep may refer the matter to the President's office for review.

What does the HEU constitution say?

Should a member elect to make a charge under Article 19 of the HEU Constitution, they must contact the President's office as set out in the Constitution and By-laws.

What if members have concerns with HEU staff?

This manual is designed to deal with conflict between members. If members have concerns regarding staff, they must refer to the HEU staff complaints procedure, see page 18 for the complete process.

CONCLUSION

Given the nature of HEU's political struggle, the complexities of health care in all its forms and shifting workplace culture, conflict is inevitable.

Newly elected local officers swear an oath to perform their duties to the best of their abilities but that does not make them experts in complaints investigation and transforming conflict.

This guide is designed to assist locals work through conflict in an informal way.

GUIDE TO INTERNAL COMPLAINTS INVESTIGATIONS

At the local level, when internal union complaints are made, local officers have an obligation to investigate the complaint. Local union officers may ask for assistance from their HEU staff rep.

This short guide to complaints investigation is designed to assist local union officers.

Right to know

When a complaint is made, everyone involved should understand how an investigation will proceed.

Impartial

Do not judge members or take sides – be objective and base decision on the facts.

Thorough

The complainant(s) and respondent(s) must have access to a timely process and have the opportunity to tell their side of the story. Documents, statements and any other evidence must be collected as quickly as possible.

Confidentiality

Members have a right to privacy. Confidentiality is vital in a complaints investigation. Only share information that is relevant with the appropriate people – if members are unclear about who should have access to information, check with the HEU staff rep. Avoid casual conversations and take steps to prevent rumours and gossip.

Reporting

Whether it is local activists or a third party leading the local union table officers must be provided with a report summarizing the outcomes, recommendation for resolution, or further action. The report should have limited distribution and remain confidential.

The complainant(s) and respondent(s) must be told about the outcome of an investigation.

DUE PROCESS AND NATURAL JUSTICE

When complaints are made or parties engage in a process to transform conflict, every member has the right to be treated equally, with dignity and respect.

Members have:

- The right to be notified of a complaint against them.
- The right to speak with those investigating the complaint.
- The right to provide the names of witnesses.
- The right to know the names of persons making allegations and the particulars of the allegations including dates, times and places of alleged misconduct.
- The right to have the complaints procedure explained to all involved.

SOLIDARITY SKILLS FOR TRANSFORMING CONFLICT

When trying to assist members in transforming conflict, apply the following skill set:

Practice open body language

Effective body language shows we are listening and can create a comfortable space for members telling their stories.

Ask open-ended questions

Listen. Gather information, identify central concerns, consider all points of view, listen actively and with empathy. Let members tell their whole story, without interruption. Take notes and when the person has finished telling their story. Ask questions.

Restate key points

Rephrasing helps you check to see if you understand the member, provides clarity on the issue, and helps the member understand whether you understand what is being said.

Reflect emotions

Identifying emotions and reflecting them back to the person telling their story can help us understand the motivation of people in conflict and can assist in predicting future behavior (“...I can see this is very difficult for you..” or “... it must be very frustrating for you...”).

Identity and Culture

Social identities like race, gender, class, sexual orientation, disability, gender identity, region, age, and so on, will often be at work under the surface. With these, differences in power, unconscious biases related to identities, past experiences, and different levels of safety will need to be navigated and guided gracefully.

Validate values and interests

Value systems are deeply held beliefs and are generally not negotiable. Working through conflict does not mean people should abandon their values and beliefs.

Interests are a person concerns (hopes, expectations, assumptions, priorities, beliefs, values, needs). Finding common ground is the key to successful conflict transformation.

Generate options

Offer solutions. A good solution is one both parties like, agree to, or can live with. Put all ideas on the table for consideration!

Set limits and take action

This may mean acknowledging that you cannot help.

APPENDIX 1:

HEU Policy Designed to Protect Human Rights, Prevent Bullying and Encourage Mutual Respect

Mutual respect must be the basis of interaction among members and staff of the Hospital Employees' Union at all times, but particularly at HEU Conventions, HEU Conferences and other HEU sponsored events and in day to day interaction between members and staff. The Hospital Employees' Union will not tolerate, condone or ignore behaviour that is likely to undermine the dignity or human rights of an individual either during working sessions or during social activities.

In order to ensure an environment that is supportive of mutual respect and fair treatment, the Provincial Executive has established the following policy and procedure. It defines what is unacceptable behaviour and sets out a complaint procedure to effectively deal with violations of the policy.

Protecting the human rights, prevent bullying and encouraging mutual respect of members and staff is fundamental in ensuring a strong and united Union. This policy enshrines the anti-bullying and harassment protections of the Workers Compensation Act and OH&S policies and the anti-discrimination protections of the BC Human Rights Code.

Under the Workers Compensation Act, bullying and harassment includes any inappropriate conduct or comment by a person towards a worker (includes a member at an HEU event) that the person knew or reasonably ought to have known would cause that person to be humiliated or intimidated.

Under the BC Human Rights Code discrimination is prohibited on the following grounds: race, ancestry, colour, place of origin, Indigenous identity, political belief, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, physical or mental disability, and conviction for which a pardon has been granted.

Harassment based on the grounds includes:

- verbal abuse or threat;
- unwelcome remarks, jokes, innuendos or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, sex, gender etc;
- displaying of pornographic, racist or other offensive or derogatory pictures or materials;
- practical jokes which cause awkwardness or embarrassment;
- unwelcome invitations or other requests, whether indirect or explicit, or intimidation;
- leering or other gestures;
- condescension or paternalism which undermines self-respect;
- unnecessary physical contact such as touching, patting, pinching, punching;
- physical assault
- repeated behaviour which a person has objected to, and therefore is known to offend.

Policy & Procedure

NOTE: This policy applies to HEU members and HEU staff during HEU Conventions, HEU conferences, and other HEU-sponsored events.

This policy applies to day to day interactions between HEU members and HEU staff.

This policy does not apply to HEU members in the workplace (please refer to your Collective Agreement for provisions that apply to HEU members).

This policy is supplementary to and does not supersede the parties' obligations under the HEU/PEA-HESU Chapter Collective Agreement or under the HEU Constitution and By-Laws.

SCOPE

The underlying goal of this policy is to protect human rights, eliminate bullying and encourage mutual respect at all times. The underlying approach is a problem solving one to resolve disputes in a mutually satisfactory manner.

PROCEDURES

Any HEU member or HEU staff member at a Union-sponsored event who believes that they have been subjected to behaviour that is discriminatory or bullying and harassing contrary to this policy may access this procedure.

Confidentiality is a vital part of this process. It is a requirement of this policy that all parties respect the confidentiality of the process.

A complainant, respondent or a witness who is part of this process is exercising their legitimate rights. It is a serious violation of this policy if there is any retaliation against a complainant, respondent, or a witness for having initiated or participated in a complaint.

FIRST STEP: DIRECT DISCUSSION

Where the complainant feels safe they can discuss their concern directly with the person (the respondent) in an effort to resolve the concern.

SECOND STEP: INFORMAL COMPLAINT

If the complainant does not believe that the matter has been satisfactorily resolved through direct discussion or the First Step did not occur, they may contact the Ombudsperson to make an informal complaint. The Ombudsperson shall advise the complainant of the merits of the complaint and possible courses of action. All discussions are without prejudice and will be treated with complete confidentiality.

THIRD STEP: MEDIATION

If the complainant and the Ombudsperson believe that the matter can be satisfactorily resolved through mediation the Ombudsperson shall contact the respondent regarding the possibility of mediating the matter. All discussions in mediation are without prejudice and will be treated with complete confidentiality.

FOURTH STEP: FORMAL COMPLAINT

If the matter does not proceed to mediation or is not resolved at mediation the complainant may file a formal complaint to the Complaints Investigator in writing outlining the details of the alleged violation of HEU's policy to protect human rights, prevent bullying and encourage mutual respect. This complaint should be filed within six (6) months of the most recent incident(s) giving rise to the complaint. Upon receipt of the formal complaint, the Complaints Investigator shall notify the respondent in writing within fourteen (14) days.

The Complaints Investigator shall meet with the complainant and respondent as expeditiously as possible to hear and investigate the complaint. The Complaints Investigator may make an effort to achieve a resolution of the complaint at any time. Both parties are entitled to be accompanied by representatives and are entitled to call witnesses.

Within sixty (60) days of the conclusion of the investigation the Complaints Investigator shall report on the results of the investigation, including any recommendations for action. The recommendation(s) will not include discipline.

The Complaints Investigator shall forward a copy of the report to the complainant, the respondent and the Administrative Committee. If appropriate, the Administrative Committee will forward the report to the Provincial Executive.

The Provincial Executive will take such action that it considers necessary to uphold the HEU policy designed to protect human rights and encourage mutual respect.

Please Note: Allegations of violations of this policy are treated very seriously. There is a requirement for Provincial Executive members and staff to report allegations of a violation of this policy to the Co-ordinator of Human Resources or their designate.

The Provincial Executive has, by motion, made it clear that HEU considers serious violations of this policy are covered by Article 19 (Emergency Suspension and Expenses) of the HEU Constitution and By-Laws.

Revised June 5, 2018

APPENDIX 2: HEU CODE OF ETHICS & CONDUCT FOR HEU MEMBERS

The mandate of the HEU is to organize and defend workers and to promote economic and social justice. In carrying out our work, we strive to promote our core values, which include the principles of solidarity, equity, democracy, integrity and respect. We unite and mobilize our energy and skills to promote these values and to attain these goals in our union, our communities and globally.

We are committed to creating a union that is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation.

HEU works to ensure that we maintain a safe environment for members, staff and elected officers. Our expectation is that mutual respect, understanding and cooperation will be the basis of all our interactions.

This Code of Ethic & Conduct applies equally to all members of the HEU including rank and file members, local officers and shop stewards and members of the Provincial Executive.

Personal conduct

All members must act cooperatively with honesty, integrity and diligence All members must respect human rights. This includes being sensitive and respectful to the cultural backgrounds, gender and belief systems of members.

Members, especially those in leadership roles are relied upon to promote the interests of our union and its members.

A high standard of conduct and modeling exemplary behavior is expected of local and provincial elected leadership.

Members should not act in a way that conflicts with the objectives of the union as set out in the HEU Constitution and By-laws.

There are many different roles associated with the work of the union and no member should act in a way that undermines or contradicts the legitimate work of others in HEU.

Stewards, local officers and provincial executive members are elected to serve the membership and should not act in a way that is perceived to be promoting self-interest.

Be guided by truth, fairness, sincerity, honesty, openness and impartiality.

Consult with others and use sound judgment to make good decisions on behalf of the entire membership.

Do not make unauthorized representations to outside groups in the name of the local or the HEU.

Policy is made democratically by members of the HEU at the union's biennial convention and must be followed. If members including steward, local officer or provincial executive members are uncertain about union policy, they should ask for advice.

Confidentiality and conflict

Union officials have access to highly confidential information. Never improperly use or divulge confidential information unless authorized or compelled by law. Confidentiality must be respected.

Communications between stewards, chief Stewards and executive officers about grievances and other collective agreement matters are confidential.

The reputation of stewards, local officers and provincial executive members will depend largely on the interaction with members and their ability to maintain members' confidentiality. Never allow yourself to gossip, share confidential information or undermine another member in any way.

Confidentiality continues even after a term of office or appointment has ended

When faced with competing interests, the interests of the union must prevail over the interests of individuals or groups.

When conflict arises, seek counsel and advice.

Duty of office

All stewards, local officers and provincial executive members must carry out their duties in accordance with the oath of office and in compliance with the provisions of the HEU Constitution and By-laws.

Steward, local officers and provincial executive members represent the union at all times while holding office. Elected and appointed officials of the union are seen as leaders and held to a high standard of conduct and cannot speak as "an ordinary members".

If a steward, local officer or provincial executive member disagrees with a position taken by a local union or the provincial executive and wants to challenge it, they must use appropriate mechanisms set out in policy and in the Constitution and By-laws of HEU, or the appropriate rules of order at a meeting.

In dealing with internal union matters, stewards, local officers and Provincial Executive members are bound by the HEU Constitution and By-laws.

As a member of a democratic organization, stewards, local officers and Provincial Executive members serve at the pleasure of the membership and are required to follow the union's policy and procedures.

APPENDIX 3: CONTRAVENING THE CONSTITUTION:

Charges, Trials and Penalties

Article 19, “Charges, Trials and Penalties” provides members in good standing with an internal process to have serious complaints dealt with in a fair and impartial manner. It lists various specific offences, and covers conduct that is detrimental to the welfare or the interests of the Union that has a foundation of one of the offences, including a prohibition on scabbing, leaking confidential Union information, organizing or participating in raids or de-certification drives, or the theft of HEU property or money.

To accuse another member of an offence under the Constitution is a very serious matter. These provisions are not intended to address local executive conflict, or be used for political gain. Rather, they set out the core obligations that members and officers owe to their union.

Violations can incur serious sanctions including removal from office, fines or suspension from membership.

The process of filing a charge is set out in Article 19 of the Constitution.

Charges have to be in writing and filed with the Office of the President no later than ninety (90) days after the date you knew, or ought to have known, of the action or circumstances or circumstances giving rise to the charge.

Given the seriousness of this accusation, a charge has to contain specific information, including but not limited to the name of the people making the allegations, the part of the Constitution violated, the details that support your allegation, and the penalty sought. Refer to the “Form of Charges” under Article 19.

Preliminary Assessment

Upon receiving the charge, the President will appoint an investigator to review and provide a preliminary assessment of the charge to determine that the form of the charge is complete. The investigator may contact the complainant for clarification or additional information.

The investigator may, where appropriate, offer the parties an opportunity to meet to resolve the issue informally prior to the investigator delivering their findings and recommendations to the President.

Upon the conclusion of the preliminary assessment, the investigator will deliver to the President a report setting out the findings and recommendations.

The investigator can recommend that a charge be dismissed without a hearing on the basis that the charge could not, even if proved, be a violation of the Constitution. For example, if a charge is made that a person who is running for a position on the executive should not be entitled to do so because the person disagreed with a decision of the current chairperson, that charge must be ruled unconstitutional, even if it is true the person disagreed with the chair.

If the report recommends that the charge, in whole or in part, should proceed, then the President may, where appropriate, appoint a Mediator or Restorative Justice Facilitator to meet with the complainant and respondent and participate in a process to endeavor to resolve the complaint.

If the charge remains unresolved after reasonable efforts made, the President will present investigator's report to the Provincial Executive.

Standing Disciplinary Panel for Local Issues

Where the mediation is unsuccessful or deemed not appropriate, the Provincial Executive will determine, based on the recommendation of the investigator, that the charge limited to the local level and/or relating to local members who are seriously disruptive to the functioning of the Local, it will be referred to a Standing Disciplinary Panel as provided for in Article 20.

The Standing Disciplinary Panel is appointed by the Provincial Executive, consisting of three members and three alternates. The panel will hear and determine the merits of the charge and where necessary impose a penalty but does not have the power to expel from the membership.

Trial Panel for Issues beyond the Local Level

Where the Provincial Executive determines that the charge extends beyond the local level and impacts the Union as a whole, it will be referred to a Trial Panel as outlined in Article 19. As soon as practical after a referral, the Secretary Business Manager will prepare a list of Local Officers from within the region where the Member charged works. Nine names will be randomly drawn and both the complainant and the respondent can challenge two names. The first five unchallenged names constitute the Trial Panel and the remaining two are named the alternates.

The hearing process, rules and procedures are set out in Article 19 "Charges, Trials and Penalties" and Article 20 "Standing Disciplinary Panel" of the HEU Constitution.

The Trial Process

The union's trial process is designed to be informal, efficient, and ensure each person's right to procedural fairness. The person filing the charge and the person accused of the offence each have the right to present allegations and to respond. Both sides must present all information including documents and witnesses that will be relied on to support or refute the charge. Each side will be required to produce credible evidence to substantiate or refute a claim.

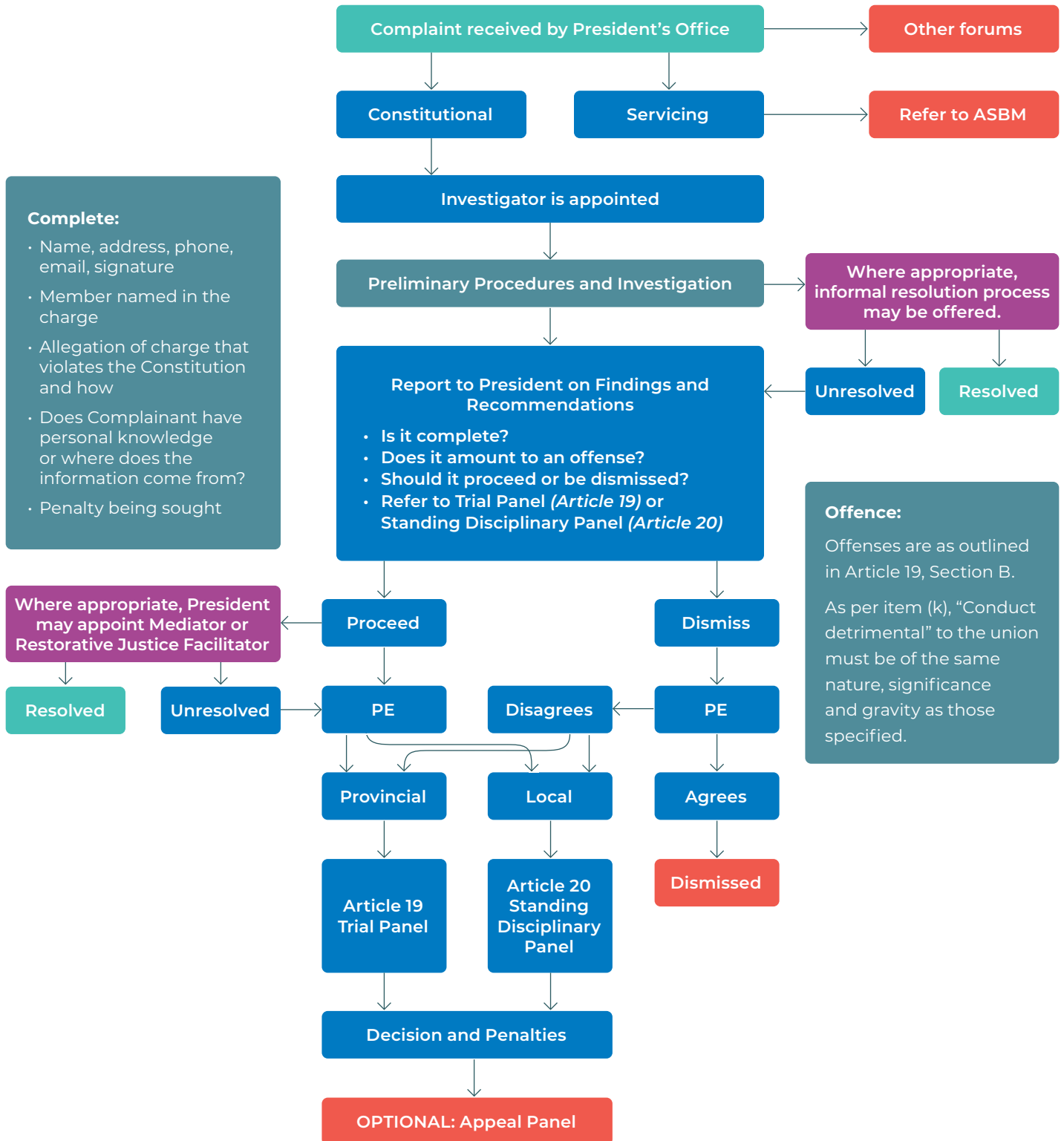
Penalties for Constitutional Offenses

If someone is found to have committed an offense against the Constitution, and therefore the Union, the penalties that can be imposed are listed in Article 19. These include, but are not limited to:

- written reprimand;
- suspension from office and/or membership, and its rights and privileges, for a specific period of time;
- removal from office;
- denial of the right to hold office in the Union or Local for a specific period of time;
- expulsion from membership;
- denial of membership and its rights and privileges; and
- fines.

Appeal Rights

Any member dissatisfied with the determination of the Standing Disciplinary or Trial Panel may appeal to a Standing Appeal Panel made up of three (3) members of the Provincial Executive. The appeal process is subject to time limits, and it is not an opportunity to re-argue the case. The decision of the Standing Appeal Panel is final and binding.



APPENDIX 4: INTERNAL STAFF COMPLAINTS PROCEDURE

SERVICING CONCERNS

Hospital Employee's Union Policy

The procedure that is to be followed if a Local or individual member has a servicing concern is:

1. When a local or a member(s) has a concern related to services provided by union staff, the matter must first be raised with the staff representative (i.e. servicing, benefits, bargaining).
2. If the matter cannot be resolved with the representative, the local or member(s) may refer their concern to the appropriate director or team leader.
3. After a discussion with the director, if the matter cannot be resolved, the local or member(s) may refer the matter for a final level of appeal to the coordinator responsible for the department in which the staff person works for a final decision.

a) Public Sector Servicing, Benefits, WCB, LTD, and Appeals

– Chris Dorais, Interim Coordinator, Public Sector

b) Private Sector Servicing and Independent Bargaining

– Bill Pegler, Coordinator, Private Sector

At this stage, a local or member(s) must put their concerns in writing, setting out the nature of the concern and the steps they have taken to resolve the issue.

The Coordinator will issue a final decision in writing to the local or member(s) making the complaint.

The goal of the HEU internal appeals process is intended to help locals and individual members resolve internal complaints and sets out the necessary steps for resolution. HEU strives for a collaborative approach to resolving problems and working together to strengthen our union.

The address for the HEU Provincial Office is:
5000 North Fraser Way, Burnaby, B.C., V5J 5M3