

Harassment and Discrimination Prevention Policy

Procedures Manual

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INTRODUCTION

1.0 Purpose

- 1.1 The purpose of this Procedures Manual is to provide a fair, accessible and expeditious process to deal with complaints under the Harassment and Discrimination Prevention Policy (“the Policy”).

2.0 General

- 2.1 Both Complainants and Respondents have a right to a support person or an Advisor of their choice from their region throughout the complaint process including during mediation, investigation, appeal and/or implementation.
- 2.2 Advisors who are contacted for advice will discuss with members their rights and options under the Policy and this Manual including:
- a) providing parties with all relevant documents;
 - b) documenting details of concerns, actions taken, outcomes and/or remedies;
 - c) assisting parties to complete a complaint or response;
 - d) referring parties to other resources as appropriate;
 - e) consulting the Equity Unit Officer regarding interpretation and application of the Policy/ Procedures and appropriate resolution mechanisms; and/or
 - f) assisting parties to informally address and resolve concerns with or without the assistance of a mediator.
- 2.3 All member costs incurred in accordance with the Policy and this Manual will be borne by the Union, consistent with OPSEU policies and practices. For clarity, OPSEU policy does not cover legal costs or the costs of representation that may be provided by any non-member or members other than Advisors.
- 2.4 Complainants and Respondents are required to comply with these procedures including providing: disclosure of documents and information; a list of relevant witnesses; and other information or assistance as is reasonably necessary to ensure a fair and expeditious resolution of complaints. If a party fails to comply with these procedures, the complaint may proceed without further notice to the party and based solely on the available information.
- 2.5 Nothing in this Manual is intended to preclude a member from pursuing a complaint under the *Ontario Human Rights Code* or other legislation.

- 2.6 The Policy, this Manual, all forms and guides referred to in these procedures, and the Statement of Respect can be accessed at Regional Offices and on OPSEU's website.
- 2.7 It is understood that the Supervisor, President, First Vice-President, Regional Vice-President may have an alternate or designate as appropriate.

3.0 Time Limits

- 3.1 Complaints must be submitted within twelve (12) months of the incident(s) which is the subject of the complaint. Where the subject matter of a complaint is ongoing, the date of the last incident must have occurred within the previous twelve (12) months.
- 3.2 Time limits may be extended with mutual agreement or at the discretion of the Officer, the Investigator during an investigation, or the Appeal Chair during appeal. Where a time-limit is extended, the Officer, Investigator, or Chair, as appropriate, will notify the parties and their Advisors.

4.0 Confidentiality

- 4.1 While parties are encouraged to seek advice and counsel, persons with knowledge of the complaint are equally encouraged, wherever possible, to maintain the confidential nature of the complaint in order to preserve the integrity of the complaint process.
- 4.2 The Equity Unit, Advisors, Mediators, Investigators and Appeal Chairs will maintain confidentiality, wherever possible, subject to the requirements of a fair process, or where disclosure is necessary to track complaints on an anonymous basis, report general outcomes to the membership, or as otherwise required by law.

5.0 Procedures Review

- 5.1 The procedures contained in this Manual will be reviewed by the Equity Unit at least every three (3) years in accordance with the Policy. The Equity Unit will be assisted in the review by a subcommittee comprised of three (3) member Advisors or Investigators.

EARLY RESOLUTION PROCESS

6.0 Step 1 – Discussion with Respondent

- 6.1 The goal of the Early Resolution Process is to encourage parties to resolve their disputes through an early, informal process such as discussion with the Respondent, initiating a complaint, or mediation. Early resolution processes

are voluntary and intended for the parties to arrive at a mutually acceptable resolution.

- 6.2 Any member who feels they have been harassed or discriminated against contrary to the Policy is encouraged, where appropriate, to discuss their concerns directly with the person(s) believed to have violated the Policy, including requesting that the other party(ies) stop the unwelcome behaviour or comments. If the allegation is against the Union, the member is encouraged to direct the request to the President. Such requests should be made as soon as possible after the conduct has allegedly occurred.
- 6.3 If a direct request has failed, or is not appropriate, members who are considering submitting a complaint, or who feel they may be Respondents to a complaint are encouraged to contact an Advisor in their region for advice.
- 6.4 Where Executive Board Members are parties to a complaint, any party in that complaint may contact an Advisor from the Special Advisory Committee as set out in Appendix A. III B. of this Manual.

7.0 Step 2 - Initiating a Complaint

- 7.1 Where informal discussions with the Respondent are unsuccessful or inappropriate, the Complainant may initiate a written complaint on the basis of a violation of the Policy. The Complainant may request the assistance of an Advisor in completing a written complaint.
- 7.2 The complaint will set out the nature of the personal harassment and/or discrimination and harassment contrary to the Policy, the name of the Respondent(s), and the remedy sought. The complaint will be submitted to the Equity Unit Officer immediately after completion.
- 7.3 Within seven (7) days of receipt, the Equity Unit Officer will forward a copy of the complaint to the Respondent and any affected party(ies).
- 7.4 Two or more persons who are each Complainants may submit complaints jointly, unless an Officer, Mediator, Investigator or Appeal Chair determines they should be considered separately.
- 7.5 The Complainant may withdraw their complaint at any point in the complaint process prior to the completion of the investigation by means of a written request to the Officer. The Officer will deliver the request to withdraw to all parties and their Advisors. Notwithstanding the Complainant's request to withdraw, the Officer may recommend to the President that a complaint be pursued in order to address allegations of harassment and discrimination contrary to the Policy.

7.6 The Union may initiate and pursue a complaint in the absence of an individual complaint in accordance with the Policy and this Manual.

8.0 Step 3 – Notifying Affected Parties

8.1 The Union will receive notice of a complaint as an affected party where an Officer, Investigator or Appeal Chair determines that:

- a) the complaint raises issues of systemic discrimination, defined as patterns of behaviour, policies or practices that are part of the Union's organizational structures, and which create or perpetuate disadvantage based on a prohibited ground;
- b) the complaint raises other issues that could affect the Union's central interests or the interests of OPSEU members generally (excluding the individual interests of Complainants or Respondents);
- c) the Union is requested to participate in an Investigation or Appeal in order to provide information or submissions.

8.2 A member will receive notice of a complaint as an affected party where an Officer, Investigator or Appeal Chair determines that a complaint or response raises issues that could materially affect the member, or a member is requested to participate in an Investigation or Appeal in order to provide information or submissions.

8.3 The Officer, Investigator and/or Appeal Chair will consider any requests and submissions made by a Complainant or Respondent in determining whether or not the Union or a member is an affected party.

8.4 An affected party may seek to participate in the complaint at any stage, subject to the discretion of the Mediator, Investigator or Appeal Chair. Any affected party may also choose not to participate in the complaint process but may provide information or submissions. Copies will be provided to the Complainant and Respondent.

9.0 Step 4 – Requesting Mediation

9.1 It is understood that mediation is voluntary and that no negative inference will be made if any party decides not to participate. Mediation proceedings are confidential and without prejudice.

9.2 The Complainant or Respondent may request mediation by making a request to the Equity Unit Officer within fourteen (14) days of the date on which the complaint was received by the Respondent.

- 9.3 Should the Complainant and Respondent agree to mediation, the Officer will assign a Mediator from the list of Advisors and Investigators within seven (7) days of the request for mediation.
- 9.4 Where the mediation to be conducted is complex, The Officer may assign an external Mediator with approval from the Equity Unit Supervisor. Factors for assessing complexity include:
 - a) whether the complaint involves complex or systemic issues, or multiple witnesses or issues;
 - b) whether the Respondent(s) is the Union or an elected Union leader; and
 - c) whether there is a potential conflict of interest for internal Mediators because of the nature of the issues in the case.
- 9.5 The Officer will not assign a Mediator who has been previously involved in the case or who has a conflict of interest, unless the parties agree to the assignment.
- 9.6 If a complaint names an Executive Board member as Complainant or Respondent, the Officer will assign an external Mediator.
- 9.7 The Officer will not assign a Mediator who has been previously involved in the case or who has a conflict of interest, unless the parties agree to the assignment.
- 9.8 All reasonable efforts will be made to ensure that mediation will be conducted within twenty-one (21) days of the appointment of a Mediator. Mediation meetings will be scheduled as soon as possible.
- 9.9 At the mediation session, the mediator will meet with the parties, provide each party with an opportunity to provide the relevant facts, and assist them in arriving at a mutually agreeable resolution by settlement. At the request of the parties, mediation may include culturally-appropriate conflict resolution methods.
- 9.10 If mediation does not result in settlement, the Mediator will notify the assigned Officer within seven (7) days of the mediation if the Complainant requests an investigation.
- 9.11 If mediation results in settlement, the Mediator will forward the signed and dated minutes of settlement to the assigned Officer to review for approval within seven (7) days of the date of settlement.
- 9.12 An Officer must review minutes of settlements before they are considered approved and before they will take effect. Where the terms of settlement

- involve systemic issues, the settlement will be referred to the President to review for approval.
- 9.13 Where a settlement is approved, the complaint process is concluded. The Equity Unit Officer will forward a copy of the approved minutes of settlement to the parties within seven (7) days of approval.
- 9.14 Where a settlement is not approved, the Equity Unit Officer will notify the parties with reasons within seven (7) days of the decision. The parties may work with the Equity Unit Officer to agree to revised settlement terms as soon as possible but no later than fourteen (14) days of notification that the settlement was not approved. In the event that the parties are unable to reach agreement, the parties may initiate a formal complaint.
- 9.15 In the event that the terms of settlement are breached, a Complainant may submit a formal, written complaint to the Officer within thirty (30) days of the breach. The complaint must include the specific terms of settlement breached and a copy of the settlement alleged to have been breached. The Officer will deliver the complaint to all affected parties and their Advisors. The other party may submit a response within fourteen (14) days after the breach complaint was delivered. The process for resolving a complaint alleging breach of settlement will follow the normal process starting at 10.0 of this Manual.

FORMAL COMPLAINT RESOLUTION PROCESS

10.0 Step 5 - Formal Complaint and Response

- 10.1 A party may submit a formal complaint where:
- a) a complaint is not resolved at the early resolution stage or
 - b) the early resolution process has not been invoked.
- 10.2 A formal complaint must identify:
- a) the nature of the complaint;
 - b) all relevant dates;
 - c) all relevant places;
 - d) all relevant parties;
 - e) all relevant behaviour and conduct;
 - f) all relevant witnesses;
 - g) all relevant supporting documentation; and
 - h) the remedy sought.
- 10.3 A formal complaint must be submitted within twelve (12) months of the incident(s) which is the subject of the complaint.

- 10.4 Within seven (7) days of receipt of a complaint, the assigned Officer will provide the Respondent with the following:
- a) a copy of the complaint;
 - b) a copy of the Policy and this Manual;
 - c) a Response Form;
 - d) a list of regional Advisors from which the Respondent may select an Advisor;
 - e) a summary of the Respondent's rights and responsibilities; and
 - f) notification that, in the event that no response is submitted, the complaint may proceed to investigation without further notice and based solely on the available evidence.
- 10.5 The response will set out the Respondent's position on the allegations set out in the complaint and will include:
- a) a list of relevant dates,
 - b) relevant places;
 - c) relevant parties;
 - d) relevant behaviour and conduct;
 - e) relevant supporting documentation; and
 - f) a list of witnesses.
- 10.6 A response must be submitted to the Equity Unit Officer within fourteen (14) days of the date the Respondent received the formal complaint.
- 10.7 A Respondent who has reason to believe that the complaint itself is a form of harassment or discrimination contrary to the Policy, or who wishes to submit a counter-complaint must do so within fourteen (14) days of receiving the complaint. Complaints and counter complaints may be consolidated at the discretion of the Equity Unit Officer.
- 10.8 If the Respondent does not submit a response within fourteen (14) days, the investigation may proceed without further notice and based solely on the available information.

11.0 Step 6 - Reviewing the Formal Complaint

- 11.1 The Equity Unit Officer will conduct a threshold assessment of the complaint in order to determine, whether or not, there is a reasonable prospect that the complaint will succeed. A threshold assessment will be conducted within seven (7) days of a response or within twenty-eight (28) days of a complaint where a response is not submitted.
- 11.2 In addition to the above, threshold assessments of personal harassment complaints will consider additional factors, including:

- a) whether the complaint involves repeated, excessive, unwelcome behaviour directed at an individual that is known or ought reasonably be known to be unwelcome;
- b) whether the complaint involves violence or threat of violence, including but not limited to conduct that causes or could cause a reasonable person to fear damage to property;
- c) whether the conduct complained of poses or could pose a serious risk of harm to individuals or resources; or
- d) whether the complaint involves systemic issues, complex or multiple issues.

11.3 Any party to a complaint may request reconsideration of a decision made under Section 11.1 or 11.2. Such requests must:

- a) be submitted within seven (7) days of receipt of the Officer's assessment;
- b) be provided in writing to the Supervisor of the Equity Unit; and
- c) include all relevant information and documentation.

11.4 Within seven (7) days of receipt of the request for reconsideration, the Supervisor of the Equity Unit will determine the request(s) in their discretion, and based on the substance of the request, response(s) to the request, and all available and relevant information, a written decision on reconsideration will be issued and is final.

11.5 If a complaint names an Executive Board member as Complainant or Respondent, an external Investigator will be consulted before a decision under Section 11.1 11.2, or 11.4.

INVESTIGATION

12.0 Step 7 – Investigation

12.1 Where the Officer determines that the complaint meets the threshold of harassment or discrimination contrary to the Policy, the Officer will select an Investigator from the region where the complaint arose, unless there is a conflict of interest in which case, an Investigator will be assigned from another region.

12.2 Where the investigation to be conducted is complex, an external Investigator may be assigned by the Equity Unit. Factors for assessing complexity include:

- a) whether the complaint involves complex or systemic issues, or multiple witnesses or issues;

- b) whether the Respondent(s) is the Union or an elected Union leader;
and
 - c) whether there is a potential conflict of interest for internal Investigators because of the nature of the issues in the case.
- 12.3 If a complaint names an Executive Board member as Complainant or Respondent, the Officer will assign an external Investigator.
- 12.4 The Investigator will normally commence the investigation within fourteen (14) days of receipt of the file.
- 12.5 The Investigator's process of investigation will include the following:
- a) assessment of the complaint and response and any supporting documents;
 - b) interviews of the witnesses identified by the parties and review of any documents; and
 - c) interviews of any other witnesses and review of any other documents deemed to be necessary by the Investigator.
- 12.6 It is understood that witnesses who are employees of the Union will be interviewed as a last resort. Employees may be invited to participate in the investigation but are under no obligation to do so. Employees will have the right to representation from their bargaining agent.
- 12.7 Where the Investigator considers it appropriate to do so, the Investigator may recommend to the parties, at any time during the investigation, that they should attempt to resolve the complaint through settlement.
- 12.8 All persons being interviewed during an investigation are encouraged to co-operate fully and to provide the Investigator with all relevant information and documents. Where a person declines to co-operate with an investigation or to provide relevant documents or information, an Investigator may proceed and prepare the investigation report without any further notice and based solely on the available information.
- 12.9 Each party will be provided with sufficient information concerning the evidence and the other party's position in order to have a reasonable opportunity to respond.
- 12.10 The Investigator will forward a draft report to the Officer as soon as possible, but no later than sixty (60) days after the commencement of the investigation.
- 12.11 The Officer will forward the draft report to the parties and their Advisors. The parties may submit a written reply to the draft report to the Officer within

fourteen (14) days of receipt of the draft report. The Officer will immediately forward each reply to the Investigator and to the other parties and their Advisors.

12.12 Within fourteen (14) days of receipt of any replies, the Investigator will complete and forward a final report, including any recommendations for remedy, corrective action or sanction to the Equity Unit Officer. The Equity Unit will immediately forward the final report to all parties and their Advisors.

12.13 Recommendations for remedy, corrective action or sanction for breach of the Policy may include, but are not limited to, a warning, reprimand, apology, behavioural contract, education or training, removal from office or bar on running for office for a specified time.

APPEAL

13.0 Step 8 – Appeal

13.1 A Complainant, Respondent, or the Union may submit to the Officer a written appeal of an Investigator's findings or recommendations.

13.2 Appeals must be submitted within fourteen (14) days of the date on which the party making the appeal received the investigation report.

13.3 An appeal must include:

- a) grounds for appeal in accordance with 13.4 of this Manual;
- b) any submissions and information relevant to the issues of the Appeal;
- c) the remedy or relief sought.

13.4 An appeal must be based on one or more of the following grounds:

- a) actual bias of the investigator or the Union;
- b) substantial prejudice resulting from a violation of the rules of procedural fairness in the course of the investigation;
- c) The Investigator's findings or recommendations conflict with established jurisprudence or violate the Policy.

13.5 An appeal will be subject to an immediate threshold assessment to be determined by the Officer. Factors for assessing a request include whether there is a reasonable prospect that the appeal will succeed.

13.6 Where an Officer determines that an appeal meets the threshold, the appeal will be provided to the parties and their Advisors within seven (7) days. The responding party may submit a written response to the Appeal within fourteen (14) days of the date on which they received the appeal.

- 13.7 Within fourteen (14) days of the threshold assessment; the Officer will assign an Appeal Chair from the list of Appeal Chairs. The Equity Unit will send a copy of the appeal, the final report and all other relevant documentation to the Appeal Chair.
- 13.8 The Appeal Chair will determine their own procedures and may make any procedural rulings necessary to ensure a fair, accessible and expeditious determination of the Appeal.
- 13.9 The Appeal Chair will issue a decision as soon as possible, but no later than twenty-eight (28) days after receipt of the required information and documents. An Appeal Chair may vary an Investigator's findings and/or recommendations.

BOARD IMPLEMENTATION

14.0 Step 9 – Board Implementation

- 14.1 The Officer will forward the final report or appeal decision, including any recommendations for remedy, corrective action or sanction to the President, the parties and their Advisors within seven (7) days of receipt of the report or appeal decision.
- 14.2 The President, First Vice-President/Treasurer, Regional Vice-Presidents, and the Executive Board, as appropriate, will implement all recommendations for remedy in accordance with the Policy.
- 14.3 Where the Investigator or Appeal Chair recommends:
- that a member is to be removed or suspended from office,
 - barred from running for office

the recommendation is subject to a two-thirds majority vote of the Executive Board in accordance with article 7.2.2 of the OPSEU Constitution.

- 14.4 The parties will be provided with an opportunity to make a time-limited presentation and/or written submission to the Executive Board. Presentations and submissions must address the recommendations, and may not seek to challenge the findings of the Investigator or Appeal Chair. Parties may be accompanied or assisted by an Advisor and/or support person when making a presentation to the Executive Board.
- 14.5 Where the Executive Board decides that the Union will not implement a recommendation regarding removal from office or a bar from running for office, it may vary the recommendation.

- 14.6 The President, the First Vice-President/Treasurer, the RVP, and/or the Executive Board, as appropriate, will notify the Equity Unit Officer, the parties and their Advisors in writing of a decision to implement, not implement or vary the recommendations. Where possible, notification of a decision will be provided with reasons and as soon as possible within thirty (30) days of the implementation.
- 14.7 Where implementation of a systemic remedy is recommended, the timeframes in 14.6 may be extended at the discretion of the President's Office. Notification of a decision to implement systemic remedies will include an implementation schedule.

APPENDIX A – ADMINISTRATION

I. DEFINITIONS

In this Procedures Manual

- a) “Advisor” refers to member Advisors selected in accordance with Appendix A of this Manual;
- b) “Affected party” refers to OPSEU or a member(s) when so identified in accordance with 7.0 of this Manual;
- c) “Day” in this Manual refers to calendar days;
- d) “Mediation” refers to a variety of dispute resolution processes, including culturally appropriate methods of resolution, prior to the commencement of the formal resolution process;
- e) “Officer” refers to an Officer of the Equity Unit;
- f) “Policy” refers to the Harassment and Discrimination Prevention Policy;
- g) “RVP” refers to the Regional Vice-President for the Region in which a complaint is filed;
- h) “Union” refers to OPSEU, as represented by the President, First Vice-President/Treasurer, Regional Vice-President, or Executive Board as appropriate.

II. ROLES AND RESPONSIBILITIES

A. Equity Unit Officers

As of the date of this Manual, the responsibilities of the Officers in connection with the Policy and Procedures include:

- a) facilitate efficient and timely processing of cases in accordance with these procedures;
- b) make assessments with respect to time-limits, threshold assessments and requests for appeal;
- c) provide advice to Advisors and Investigators regarding interpretation and application of the Policy and this Manual;
- d) assist Complainants and Respondents with selection of Advisors;
- e) facilitate selection of Mediators, Investigators and Appeal Chairs;
- f) notify all parties of relevant information, submissions and requests made by all parties;
- g) approve and monitor settlements in accordance with this Manual, and provide notice to the President’s Office where the Union is an affected party in relation to the complaint, settlement or appeal;
- h) advise the Respondent, the President, and any other parties of their obligation(s) regarding compliance and/or implementation of a remedy, corrective action and/or sanction;
- i) work with the OPSEU Training Unit on the design and delivery of Policy and Manual related training;

- j) assist in tracking formal complaints under the Policy.

B. Equity Unit Secretary

As of the date of this Manual, the responsibilities of the Equity Unit Secretary in connection with the Policy and Procedures include:

- a) maintain an up to date list of Advisors, Investigators and Appeal Chairs;
- b) provide all relevant forms, documents and other materials, as necessary;
- c) provide administrative and scheduling assistance for early resolution processes, mediation, investigations and hearings;
- d) ensure all parties receive correspondence and notice of all proceedings in a timely manner.

C. Equity Unit Supervisor

As of the date of this Manual, the responsibilities of the Equity Unit Supervisor include:

- a) provide general supervisory oversight of the work of the Equity Unit Secretary and Officers;
- b) provide case-consultation direction, advice and information;
- c) approve the list of Mediators, Investigators and Hearing Chairs;
- d) review for approval all costs related to representation, early resolution, mediation, investigation or an appeal in accordance with the Policy, this Manual and OPSEU policy and practices.

D. Advisors

As of the date of this Manual, the responsibilities of Advisors include:

- a) ensure accommodation and health and safety needs of Complainants/ Respondents are met;
- b) advise Complainants or Respondents of their rights, including their right to representation, and options available under the Policy and this Manual;
- c) provide all relevant documents to members;
- d) assist Complainants or Respondents in completing all relevant forms;
- e) documenting details of concerns, actions taken, outcomes and/or remedies;
- f) refer members to other resources as appropriate;
- g) determine where early resolution processes or mediation may not be appropriate (e.g. situations of violence, threat of harm, etc.);
- h) encourage early resolution processes, mediation and/or act as a Mediator, where appropriate;
- i) where acting as a Mediator,
 - i. assist the Complainant and Respondent to reach a mutually agreeable settlement;

- ii. assist the Complainant and Respondent to document any settlement that is reached;
- iii. provide all signed and dated settlement agreements to the Officer.
- j) assist Complainants or Respondents to meet the procedural and time requirements as set out in this Manual;
- k) ensure Respondents are aware of time limits required for compliance of any remedy, corrective action and/or sanction;
- l) maintain a log of calls/inquiries and their disposition, and submit quarterly reports to the Equity Unit;
- m) consult with Officers where difficulties arise in the interpretation of the Policy or the procedure;
- n) maintain confidentiality in individual cases except as otherwise required by law or these procedures;
- o) provide education on the prevention of harassment and discrimination;
- p) attend mandatory training.

E. Investigators

As of the date of this Manual, the responsibilities of Investigators include:

- a) ensure accommodation and health and safety needs are met;
- b) gather all relevant evidence, interview witnesses, and review documents;
- c) encourage the parties to mediate and resolve the complaint;
- d) prepare a draft report and forward it to the assigned Officer;
- e) consider any relevant responses in the parties' reply, prepare a final report with recommendations, and forward it to the assigned Officer;
- f) forward all documents to the Equity Unit for secure storage after completion of each case. The Investigator must not retain any documents;
- g) attend mandatory training.

F. Appeal Chairs

As of the date of this Manual, the responsibilities of the Appeal Chair include:

- a) conduct the appeal in a fair and expeditious manner;
- b) hear the facts and make a determination;
- c) recommend individual and systemic remedies, as appropriate.

III. SELECTION PROCESSES

A. Member Advisors and Investigators

There will be four (4) Advisors in each region. Advisors are entitled to paid time-off for carrying out their responsibilities under the Policy.

In addition to the four (4) Advisors in each region, there will be two (2) Investigators in each region. Investigators are entitled to paid time-off to conduct investigations and all related work.

If the workload in any region results in a backlog, the Equity Unit may assign a former Advisor or Investigator in the region or an Advisor or Investigator from another region. If the backlog persists, the regional Advisors or Investigators may apply to the President for additional Advisors or Investigators. The same selection process applies.

The Advisors and Investigators for each region will be determined by a selection process as follows:

- a) the Equity Unit will determine the number of vacancies in each region and advertise the vacancies as widely as possible;
- b) interested members in good standing, with a demonstrated understanding of and background in human rights issues, and a demonstrated ability to advise and mediate complaints will be encouraged to submit an application to the Equity Unit;
- c) a committee consisting of a total of two (2) Advisors and/or Investigators and one (1) Officer will interview and select the most appropriate member to fill the vacancy. Committee members will be selected by the Equity Unit on the basis of their interest, availability, as well as their experience in the role of Advisor or Investigator. Efforts will be made to ensure that the member representatives on the committee have diverse backgrounds;
- d) the selection process will include both a written component and an interview.

B. Special Advisory Committee

A Special Advisory Committee consisting of a minimum of three (3) Advisors or Investigators will be selected from the pool of interested Advisors and Investigators to advise Executive Board members or parties in complex complaints.

A selection committee consisting of a total of two (2) Advisors and/or Investigators and one (1) Officer will select the most appropriate members to sit on the Advisory Committee.

C. External Mediators, Investigators and Appeal Chairs

The list of Mediators, Investigators and Appeal Chairs is available in the Equity Unit and will be updated every two (2) years. All of the aforementioned are external to OPSEU and will be selected for their independence, expertise and record on human rights issues.

The above-mentioned list is approved by the Equity Unit Supervisor, following consultation with other Supervisors and Administrators, as appropriate.

No person will be appointed as an external Mediator, Investigator or Appeal Chair who is or was within six (6) months prior to such appointment an employee, a solicitor, counsel, advisor, or agent of any parties named in the complaint.

IV. TRAINING FOR ADVISORS AND INVESTIGATORS

Where possible, within three (3) months following selection, new Advisors will receive three (3) days of training on the Policy and this Manual. The training will focus on their role, responsibilities, legal requirements and skills development.

New Investigators will receive the same training as new Advisors plus two (2) additional days on their role, responsibilities, and skills development.

One (1) day of refresher training will be provided annually to Advisors and Investigators. Former Advisors and Investigators who have been assigned by the Equity Unit on an as-needed basis to assist with a backlog, or where the nature of a case is such that a more experienced Advisor/Investigator is required, will also have access to this refresher training.

New Advisors and Investigators will not be placed on the roster until after they have received their initial training.

V. REVIEW OF THE ROSTER

There will be a review of the roster of member Advisors/Investigators by the Equity Unit every two (2) years. The Equity Unit will canvass, in writing:

- a) interest and willingness to continue;
- b) skill level and commitment;
- c) training needs.

VI. REMOVAL FROM THE ROSTER

A member Advisor or Investigator may be removed from the roster for failing to meet their role and responsibilities as set out in the Policy and this Manual or for failing to attend refresher training for two (2) consecutive years. The decision to remove a member Advisor or Investigator will be made by the most recent selection committee.

Member Advisors and Investigators may remove themselves voluntarily from the roster by informing the Equity Unit if they are no longer interested in acting in their role.

Failure to respond to the Equity Unit's written request for confirmation of continued interest within a period of fifteen (15) days may result in removal from the roster.

A member Advisor or Investigator who at any time has a substantiated human rights complaint against her/him that is less than three (3) years old, that is not being actively challenged under a Collective Agreement or legislation, will be removed from the roster. A complaint regarding the removal of a member Advisor or Investigator from the Roster may be submitted to Equity Unit.