



THE PROFESSIONAL ASSOCIATION
OF FOREIGN SERVICE OFFICERS
L'ASSOCIATION PROFESSIONNELLE
DES AGENTS DU SERVICE EXTÉRIEUR

PAFSO's Guidelines on Violence and Harassment Resolution Process: The Complaint Procedure and Investigation

1. Purpose:

These procedures are not intended to extinguish rights and remedies available at law, including grievance, to any of the parties or persons concerned.

This Violence and Harassment resolution process, including the complaint procedure and investigation, shall be applied in conjunction with PAFSO's Violence and Harassment Prevention Policy.

In order to help facilitate the informal resolution of complaints covered by these procedures and treat Complainants and Respondents fairly, reasonable steps will be taken throughout these procedures so that only those who need to be made aware of a complaint in order to administer or participate in these procedures are provided with information about a complaint. Further, all correspondence and reports made in the course of action taken pursuant to these procedures shall be considered to be confidential to the parties involved and to those who, in providing advice and carrying out duties contemplated in these procedures, have a need to know of their existence and content.

All parties have the right to be accompanied by someone of their choice during all steps of the resolution process.

2. Early Informal Resolution:

Individuals who believe they have been treated in an improper and offensive manner should follow the following procedures:

- i. If appropriate in the circumstances, make your disapproval or unease known as soon as possible to the person who offended you, in an attempt to resolve the situation.
- ii. Talk to your supervisor or someone else in authority.
- iii. If all else fails, make a formal complaint. (The complaint process is explained further).

The parties agree that discussions that occur in the context of seeking an early informal resolution are without prejudice and cannot be relied upon in subsequent steps of these Guidelines in the event a resolution is not achieved.

3. Formal Complaint and Investigation:

If early resolution is not successful or is not deemed appropriate, an individual may file a complaint with the appropriate level of PAFSO management. All steps should be completed without undue delay.

Step 1: Filing of the complaint:

The complainant submits a complaint in writing to a delegated manager, or to the next person in the hierarchy if the delegated manager is the subject of the complaint, within the prescribed deadlines (usually one year of the alleged harassment leading to the complaint).

The complaint must include:

- the nature of the allegations
- the name of the respondent
- the date and a clear description of the incident(s) which, if true, could meet the definition of harassment under the policy
- the names of witnesses (if applicable)

Step 2: Screening and acknowledgement of complaint

Upon receipt of the complaint, the delegated manager screens and acknowledges receipt of the complaint. The criteria used in the screening are that the complaint:

- must be filed within one year of the alleged harassment leading to the complaint, unless there are extenuating circumstances; and
- must include the information noted in Step 1.

If these criteria are met, the delegated manager informs the respondent that a complaint has been received and provides him/her with the particulars of the complaint in writing, including the allegations.

If these criteria are not met, the delegated manager informs the complainant in writing that he or she cannot accept the complaint. If appropriate, the delegated manager suggests other means of resolving the issue.

Step 3: Review of the complaint

Once the complaint has been acknowledged, the delegated manager reviews the complaint and if necessary, seeks additional information to determine if the allegations are related to harassment.

If the delegated manager concludes that the complaint is not related to harassment, he or she informs the complainant and the respondent in writing. The delegated manager re-directs the complainant to the appropriate avenue of recourse or suggests other means of resolving the issue.

If the allegations are related to harassment, the delegated manager determines what efforts have been made to resolve the problem, identifies immediate avenues of resolution if any, and takes appropriate action.

Step 4: Response to the Complaint

Upon review, if the delegated manager determines that the allegations are related to harassment, a copy of the formal complaint will be promptly forwarded to the Respondent.

The Respondent may submit a written response to the Complainant within ten (10) working days of receiving a copy of the formal complaint.

Step 5: Mediation

If the harassment complaint remains unresolved, the delegated manager must offer mediation. If mediation is an acceptable option for all parties, a mediator will be appointed from a list of external mediators agreed to by both the Complainant and the Respondent.

The parties will provide a list of three (3) names of acceptable mediators, in order of preference, within fifteen (15) days of when the complaint was filed. If the name of a mediator appears on each of the parties list, that person will be appointed. If both lists have different names of acceptable mediators and an agreement cannot be reached, the delegated manager will select the mediator based on these criteria:

- Experience and expertise
- Availability
- Cost

Step 6: Investigation

If mediation has not resolved the complaint, or if mediation was not undertaken, the delegated manager launches an investigation process and notifies all involved parties.

Pending determination of the complaint, the delegated manager may take interim measures to separate the parties concerned if deemed necessary. Such action will not be deemed disciplinary in nature or seen as presumption of guilt or innocence.

The parties will provide a list of three (3) names of acceptable investigators, in order of preference, within ten (10) days after the parties received the commencement of the investigation process notification. If the name of an investigator appears on each of the parties list, that

person will be appointed. If both lists have different names of acceptable investigators and an agreement cannot be reached, the delegated manager will select the investigator based on these criteria:

- Experience and expertise
- Availability
- Cost

The investigator must provide the delegated manager with a written final report that includes his or her findings and conclusions. If mediation is undertaken at any time during the investigation process, the investigation is suspended. It is resumed only if mediation is unsuccessful.

Step 7: Decision

Upon receipt of the final report, the delegated manager will review and redact all personal and confidential information that shall not be disclosed to the other party.

The delegated manager will then provide, within five (5) working days, a copy of the final report to the parties.

If the complaint is deemed to be founded, the delegated manager will work with the parties to achieve an acceptable resolution and take the appropriate corrective measures. Where either the complainant or the respondent, in conjunction with the Union, is not satisfied with the Employer's response, the complaint will be put back, within thirty (30) days, in the hands of the appointed investigator who will make the final determination of the appropriate level of discipline to be applied in the case.

The complainant may withdraw the complaint at any time during this process by notifying the delegated manager in writing.

4. Confidentiality

No documentation related to the complaint, including any materials resulting from mediation or investigation process, such as reports from the mediator or the investigator, will be placed on an employee's personnel file.

Where a complaint has been filed, the names of the complainant(s) and respondent(s) and the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary for the purpose of investigating and resolving the complaint, or where disclosure is required by law.

In the event that an investigation concludes that violence, discrimination, harassment, bullying or misuse of authority did occur and where disciplinary action was taken, a letter indicating the level of discipline will be the only documentation to appear on an employee's personnel file. All other documentation related to the investigation shall be maintained in a confidential manner by all parties, including the Union.

All parties who are privy to information or in possession of documentation pertaining to matters/incidents while dealing with a complaint shall hold that information in strict confidence. This shall include refraining from discussions and from releasing information in any form, beyond that contained in these guidelines or as required by law.

5. Retaliation

Retaliation against any individual who has filed a complaint in good faith, or who has been named as a respondent or witness in the complaint or who investigates the complaint according to the procedures outlined, will itself be considered an incident of misuse of authority and will be dealt with in accordance with these procedures.

6. Conclusion

PAFSO's policy and procedures demonstrate the commitment of the Association to ensure that all employees, volunteers, and contractors, can work in an environment free from violence, discrimination, harassment, bullying and/or misuse of authority.

The primary goal is to ensure a safe and respectful work environment for all employees, free from violence, discrimination, harassment, bullying, and/or misuse of authority. It establishes a structured process to handle complaints promptly and effectively, addressing concerns of victims and providing appropriate solutions. It also aims to protect the rights and well-being of employees by outlining steps to prevent, identify, and address any form of violence, discrimination, harassment, bullying and/or misuse of authority.