

**INTERNAL COMPLAINT RESOLUTION PROCESS**

**PURPOSE OF THE DOCUMENT** Clarify for employees and management Bell's Internal Complaint Resolution Process in compliance with article 127.1 of Part II of the Canada Labour Code

**NOTE: A section has been added in this document to cover the following specific situation:**

**"When an employee identifies an unforeseen circumstance affecting the Health and Safety of employees that needs immediate attention"**

**(The details of this process flow are detailed at the end of this document)**

**OBJECTIVES OF art 127.1:**

I Deal with employees' issues and/or complaints to avoid escalation.  
Employees and supervisors should first try to resolve between themselves.

II Provide a faster and more efficient process for the resolution of complaints.

**PROCESS INITIATION:**

Employee initiated – employee shall identify:

- contravention to the code by the employer, another employee or any other person,
- likelihood of an accident or illness for the employee or other employees or other persons granted access to the workplace

**PROCESS FLOW:****INTERNAL REFERRAL****LEVEL 1**

(Employee – Supervisor)

1. **Employee** makes a formal complaint to **immediate supervisor** (verbally or in writing),
2. Employee and supervisor(s) must try to resolve the complaint between themselves, as soon as possible
  - if resolved, the **PROCESS ENDS**

**If not resolved, the following applies:**

3. Either the employee or immediate supervisor may refer an unresolved complaint to their local safety and health committee management or union co-chair (this should be done in writing).

**LEVEL 2**

(Up to LHSC)

4. This complaint must be investigated jointly by an employee member and a management member of the **LHSC**;
  - if the employee member and management member of the **LHSC** agree that the complaint is not justified then they reply in writing (with or without recommendations) to the employee and the immediate supervisor. **PROCESS ENDS**

OR

- if the employee member and management member of the **LHSC** agree that the complaint is justified then, PROCEED TO STEP 5.

OR

- if the LHSC employee member and the management member disagree as to whether the complaint is justified or not justified, then:
  - the employee member or the management member of the **LHSC** should preferably refer the issue to the appropriate CHSC member. *(This is an additional step not required by law but that follows current Bell practices and that was agreed upon with the union), PROCEED TO STEP 7.*

5. Once the **LHSC** has jointly investigated the complaint, the investigators:
- Must inform both the employee and the immediate supervisor in writing of the results of the investigation:
  - May make recommendations to the immediate supervisor with respect to the complaint.

***If the investigators conclude that a danger exist (imminent or potential risk to the safety or health of an employee – for exact definition refer to section 122.(1) of Part II of the Canada Labour Code), the immediate supervisor must ensure that no employee be exposed to this danger, until the situation is rectified.***

6. The immediate supervisor, on being informed of the results of the investigation, must in writing and without delay inform the investigators of how and when the matter will be resolved. The immediate supervisor must ensure that the matter is resolved.

LEVEL 3  
(Up to CHSC)

7. If the issue is referred to the **CHSC** by the employee or the management member of the LHSC, this complaint must be investigated jointly by an employee member and a management member of the **CHSC as soon as possible.**
- if the employee member and management member of the **CHSC** agree that the complaint is not justified then they reply in writing (with or without recommendations) to the employee, his immediate supervisor and the concerned LHSC co-chairs. **PROCESS ENDS**

OR

- if the employee member and management member of the **CHSC** agree that the complaint is justified then, PROCEED TO STEP 8.

OR

- if the employee member and the management member of the CHSC disagree on whether the complaint is justified or not, one of the party may refer the complaint to the H&S officer (HRSDC). PROCEED TO STEP 10.
8. Once the **CHSC** has jointly investigated the complaint, the investigators:
- Must inform both the employee, the immediate supervisor and the concerned LHSC co-chairs in writing of the results of the investigation;
  - May make recommendations to the immediate supervisor with respect to the complaint.

***If the investigators conclude that a danger exist (imminent or potential risk to the safety or health of an employee – for exact definition refer to section . 122.(1) of Part II of the Canada Labour Code), the immediate supervisor must ensure that no employee be exposed to this danger, until the situation is rectified.***

9. The immediate supervisor, on being informed of the results of the investigation, must in writing and without delay inform the investigators of how and when the matter will be resolved. The immediate supervisor must ensure that the matter is resolved

**EXTERNAL REFERRAL**

LEVEL 4  
(Up to HRSDC)

10. The H&S officer (HRSDC) will investigate the complaint.
11. The results of the H&S officer's investigation may be:
- a) Issue directions to the immediate supervisor or to the employee (refer to para. 145. (1))
  - b) Recommend employee and immediate supervisor resolve the complaint between themselves,
  - c) Issuance of directions under paragraph 145.(2) if he concludes that a danger exist.

*The employee or the employer may refer a complaint to a H&S officer (HRSDC) in the following circumstances:*

- a) when the immediate supervisor does not agree with the result of the investigation,*
- b) when the immediate supervisor has failed to inform the investigators of how and when the matter will be resolved or has failed to take action to resolve the matter*
- c) when the investigators do not agree between themselves whether the complaint is justified*

**Unforeseen Circumstances Affecting the Health and Safety of Employees and that need immediate attention**

This following section in the Internal Complaint Resolution Process (ICRP) covers this specific situation:

"When an employee identifies an unforeseen circumstance affecting the Health and Safety of employees that needs immediate attention."

This is the **PROCESS FLOW** that must be used without delay when this situation is encountered.

**PROCESS FLOW:**

***INTERNAL REFERRAL***

**LEVEL 1**

(Employee – Supervisor)

1. The **employee** contacts his **immediate supervisor or replacement** by phone, in person or e-mail as applicable to advise him of the unforeseen Circumstance affecting the Health and Safety of employees that needs immediate attention"
2. Employee and supervisor(s) or replacement must try to resolve this situation between themselves, as soon as possible
  - if resolved, the **PROCESS ENDS**

If not resolved or if the employee has not been able to reach his immediate supervisor or replacement, the following applies:

3. Either the employee or immediate supervisor or replacement may refer this unresolved situation to their local safety and health committee management or union co-chair

**NOTE: If the immediate supervisor is not present, contact his replacement including as a last resource, his supervisor before proceeding with Level 2**

**LEVEL 2**

(Up to LHSC)

4. Employee and supervisor(s) or replacement contacts their local safety and health committee management or union co-chair by phone, in person or e-mail as applicable to advise him of the situation. Afterwards, this situation must be investigated jointly by an employee member and management member of the **LHSC, without delay.**
  - **NOTE:** If the employee or supervisor(s) or replacement has not been able to reach their local health and safety committee management or union co-chair (employee and management member of the **LHSC**) **PROCEED DIRECTLY TO STEP 7.**
  - if the employee and management member of the **LHSC** agree that the situation is not justified then they reply by phone, in person or e-mail as applicable (with or without recommendations) to the employee and the immediate supervisor or replacement. **PROCESS ENDS**

OR

- if the employee and management member of the **LHSC** agree that the situation is justified then, **PROCEED TO STEP 5.**

OR

- if the LHSC employee and the management member disagree as to whether the situation is justified or not justified, then:
    - the employee or the management member of the **LHSC** should preferably refer the issue to the appropriate CHSC member. *(This is an additional step not required by law but that follows current Bell practices and that was agreed upon with both unions), PROCEED TO STEP 7.*
5. The LHSC employee and the management member must inform by phone, in person or e-mail as applicable both the employee and the immediate supervisor or replacement of the results of the investigation as soon as possible and may make recommendations to the immediate supervisor or replacement with respect to the situation.

***If the LHSC employee and the management member conclude that a danger exist (imminent or potential risk to the safety or health of an employee – for exact definition refer to section 122.(1) of Part II of the Canada Labour Code), the immediate supervisor or replacement must ensure that no employee be exposed to this danger, until the situation is rectified.***

6. The immediate supervisor or replacement, on being informed of the results of the investigation, must by phone, in person or e-mail as applicable and without delay inform the **LHSC** employee and management member and his employee of how and when the matter will be resolved. He must also ensure that the matter is resolved.

LEVEL 3  
(Up to CHSC)

7. As a first step, the **LHSC** employee and management member refer an unresolved situation to the management Provincial H&S coordinator and the Provincial Union H&S representative. **(The process flow described below is also applicable in this intermediate step before to refer this issue to the appropriate CHSC member).**

If the impasse persists or if the management Provincial H&S coordinator and the Union H&S representative can't be reached, then the concern can be forwarded to the appropriate CHSC member.

If the issue is referred to the **CHSC** by the employee or the management member of the LHSC or the management Provincial H&S coordinator and the Provincial Union H&S representative, this situation must be investigated jointly by an employee and a management member of the **CHSC without delay.**

- if the employee and management member of the **CHSC** agree that the situation is not justified then they reply by phone, in person or e-mail as applicable (with or without recommendations) to the employee, his immediate supervisor or replacement, the concerned LHSC co-chairs and the management Provincial H&S coordinator and the Provincial Union H&S representative. **PROCESS ENDS**

OR

- if the employee and management member of the **CHSC** agree that the situation is justified then, PROCEED TO STEP 8.

OR

- if the employee and the management member of the CHSC disagree on whether the situation is justified or not, one of the party may refer the situation to the H&S officer (HRSDC). PROCEED TO STEP 10.

8. The employee and management member of the **CHSC** must inform by phone, in person or e-mail as applicable both the employee, the immediate supervisor or replacement, the concerned LHSC co-chairs and the management Provincial H&S coordinator and the Provincial Union H&S representative of the results of the and may make recommendations to the immediate supervisor or replacement with respect to the situation.

***If the employee and management member of the CHSC conclude that a danger exist (imminent or potential risk to the safety or health of an employee – for exact definition refer to section. 122.(1) of Part II of the Canada Labour Code), the immediate supervisor or replacement must ensure that no employee be exposed to this danger, until the situation is rectified.***

9. The immediate supervisor or replacement, on being informed of the results of the investigation, must by phone, in person or e-mail as applicable and without delay inform the **CHSC** employee and management member or the management Provincial H&S coordinator and the Provincial Union H&S representative as applicable, the **LHSC** employee and management member and the employee of how and when the matter will be resolved. The immediate supervisor or replacement must ensure that the matter is resolved

#### **EXTERNAL REFERRAL**

LEVEL 4

(Up to HRSDC)

10. The H&S officer (HRSDC) will investigate the complaint.

11. The results of the H&S officer's investigation may be:

- d) Issue directions to the immediate supervisor or to the employee (refer to para. 145. (1))
- e) Recommend employee and immediate supervisor resolve the complaint between themselves,
- f) Issuance of directions under paragraph 145.(2) if he concludes that a danger exist.

*The employee or the employer may refer a complaint to a H&S officer (HRSDC) in the following circumstances:*

- a) when the immediate supervisor does not agree with the result of the investigation,*
- b) when the immediate supervisor has failed to inform the investigators of how and when the matter will be resolved or has failed to take action to resolve the matter*
- c) when the investigators do not agree between themselves whether the complaint is justified*

**GENERAL NOTE:** In each step, when an answer (with and without recommendation) is done by phone, in person, a writing note must also follow for record purposes.

For Sales and Clerical employees, the employee can ask the union representative to represent him in the steps of the process.