

Community Led Change in a Delegated Aboriginal Agency:
Utilizing Strengths and Inherent Knowledge to Decolonize Workplace
Investigations

By

Mary Czernick
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Defense Committee

- Client:** Jennifer Chuckry, Executive Director
Surrounded by Cedar Child and Family Services Society
- Supervisor:** Dr. Jill Chouinard
School of Public Administration, University of Victoria
- Second Reader:** Dr. Astrid V. Pérez Piñán
School of Public Administration, University of Victoria
- Chair:** Dr. Robert Lapper
School of Public Administration, University of Victoria

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Executive Summary

Introduction

A culturally grounded workplace investigation (WI) process with an urban Indigenous organization that follows both cultural protocols, knowledge and wisdom as well as the legal measure of the Employment Standards Act of British Columbia (ESA) is new practice within Indigenous organizations. As most workplace investigation processes are researched in relation to legal standards, decolonization of policies and practices is a growing phenomenon for Indigenous organizations. Creating culturally grounded organizational policies which are rooted in culture, spirituality and inherent knowledge is a part of the reclaiming of what was stolen through colonization. Indigenous organizations recognize the importance of practices that meet legal standards; however, the research is lacking in how two-eyed seeing is utilized within workplace investigations.

Answering the question: how can Surrounded by Cedar Child and Family Services Society, (SCCFS) an Indigenous based organization, utilize culturally safe Indigenous practices with Indigenous and non-Indigenous employees when working through identified employee issues and workplace investigations? Surrounded by Cedar leaders, staff and community members provided conceptual and practical suggestions to culturally enhance workplace investigation and also identified gaps the current progressive discipline policy is subject to.

Methodology and Methods

A literature review and Circles were two methods used to answer the inquiry question. The literature review examined the western based modality of workplace investigations, the emotional impact on staff and Fact-Finders and the practice of decolonization. The bulk of the literature review on WIs is focused on the legal implications employers can face when WI are not deemed as fair through the lens of the legal system.

The second method used was Circle. There were three groups identified as either staff, leadership or community in relation to Surrounded by Cedar and a Circle was held for each, with the exception of the Staff Circle, where two separate Circles were held. Each group answered the same four questions.

Thematic analysis and grounded theory were used to identify key concepts or themes from the participant's responses. Thematic analysis was utilized to code repeated words or phrases which were interpreted as significant, based on how many times they were used. From this analysis, seven themes were identified within the WI Process and two themes were identified under Relational Practice. Grounded theory was used to group ideas or themes together that

were consistent throughout each group or throughout all Circles. These themes were used to braid in cultural considerations and protocols into a process which fit both culturally responsive practice and the Employment Standards Act of BC.

Key Findings

The key findings define what a culturally grounded workplace investigation process is within an urban Indigenous organization which employs Indigenous and non-Indigenous staff. There was consensus amongst all participants that the current progressive discipline policy and workplace investigation procedures do not meet the cultural needs of staff. The seven themes identified through coding brought forward input and knowledge specific to the agency which supports further policy development and organizational decolonization. The themes are separated into two overarching topics The Workplace Inquiry Process and the Relational Practice. Within the WI Process there were seven important considerations highlighted which included: Safety; Elder/Knowledge Keeper; Circle; Clear/Clarity; Values; Mental Health/Well-Being/Support; and Intention. The two themes within Relational Practice include: Policy and Supervision.

The literature review highlighted considerations and WI processes which reflect best practice from a western worldview or lens. Ensuring the process is able to meet the legal standard of fair, unbiased and thorough is important for employers to consider. The literature provides clear, detailed steps employers need to use when planning and implementing WIs. There is a heavy focus on the legal consequences for employers should their WI process be examined in court and be deemed to be unfair. This perspective is deficit based and does not reflect relational practice and the psychological impacts WIs bring about. The literature around decolonization calls for Indigenous people and organizations to reclaim, restore and implement the inherent knowledge throughout various systems.

Considerations and Recommendations

The development of a culturally grounded WI process with Surrounded by Cedar Child and Family Services Society requires both Indigenous and western worldviews. Conducting a WI which braids in the strength and knowledge of both practices answers the question posed through this inquiry.

Based on the knowledge and wisdom gathered throughout the Circles and literature review, Surrounded by Cedar will need to consider the safety employees feel, the roles each person is responsible for within the WI and ensure clear, transparent communication and policies. Recommendations are as follows:

- Redefining policy through the lens of the sharing of the Circle participants would be effective in moving further away from a western model and developing a practice which fits cultural needs of staff and the organization.
 - It was also important for Circle participants to have medicines and traditional Indigenous protocols in place during WIs to ensure the safety and mental well-being of staff.
 - Creating the values, a WI will be conducted through is an important step toward safety. These values can be created with leaders and staff to identify important practices and considerations WI will be conducted within and are separate from the existing organizational values.
 - Also, it is recommended that information and communication into WI is provided to staff prior to being involved in one, either as a respondent, witness and complainant. The ability to communicate this process prior to their involvement may lessen the fear and anxiety staff feel, but it's recognized it probably will not remove it completely.
 - Seeking opportunities for when restorative Circles can be held between the respondent and complainant to support healing and accountability. This will not be safe or possible with all WIs, however being open to it as an opportunity, in consultation with an Elder, is recommended.
- Implementing training for all those tasked with conducting WIs would ideally support leaders in the responsibility of their role as fact-finder and what considerations and steps need to be included to ensure the WI upholds the legal definition of fairness.
- It is also recommended that the responsibility of fact-finder and decision maker are shared throughout the leadership team as the current policy is reflective of a hierarchy which may not create the safety the Circle participants called for. Including Team Leaders and Managers into the roles of Fact-Finders and Decision Makers provides the opportunity for relational practice even when concerns are identified.
- Inclusion of Elders and Knowledge Keepers is a recommendation which will also form a sense of safety for those involved in a WI. Defining and communicating their role is important to complete prior to their involvement in WIs. There are options identified within the Circles and these include the Elder having the role of observer, facilitator or protocol keeper. Allowing staff to choose which option best suits them for the process of the interview is recommended.

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1.0 Introduction

1.1 Defining the Problem

Indigenous organizations whose policies and processes are based on Western values fail to meet the cultural needs of their Indigenous employees and managers. The current workplace investigations (WIs) policy and procedures at Surrounded by Cedar Child and Family Services (SCCFS) is a case in point. At SCCFS, there is a Western-based workplace investigation (WI) process that has been adopted over time from various sources, including from the BC Public Service Employee Relations Standards with advice from legal counsel. While the current WI process provides the employer with a method to conduct WIs, it has resulted in ongoing tension and dissent in the relationship between employee and employer. While the agency has a progressive discipline (PD) policy in regard to the steps of how PD is handled within the organization, there are no specific procedures for employers to follow when potential employee misconduct is brought forward, or performance issues arise. Despite the fact that the goal of SCCFS is to create an inclusive and culturally grounded process with staff (Personal conversation with Jennifer Chuckry, 2019), previous employees have reported feeling unheard and misunderstood by the current WI processes.

As SCCFS has grown, they have adopted and implemented procedures which come from various non-Indigenous organizational policies and sources, and over time, these have had to evolve with the knowledge and expertise of the organization. Indigenous leaders and employees understand that the Indigenous community is small, and information carries across long distances quickly, and as such could impact not only the employment relationship, but also personal relationships and cause significant mental distress (Murphy, Hyskin & Mack, 2010, p. 12). Indigenous organizations with indigenous employees, like SCCFS, thus require an organization that is responsive to the needs of the staff, including their cultural needs.

However, as there are legal implications for SCCFS employer and employees when WIs are conducted, it is important for policies to be created and procedures to be developed that align with the Employment Standards Act (ESA). Future WIs within SCCFS will be conducted with the processes developed through this project to guide the agency in promoting values that reflect the organization, as well as uphold the legal standards as stated in the relevant legislation.

While the ESA defines the relationship between employee and employer within WI, it does not interpret how the standards are to be implemented. The purpose of this project is to provide recommendations for SCCFS employers to conduct WIs that aligns with the ESA's regulations of fairness and legal standards, while upholding cultural values and inherent knowledge of Indigenous peoples.

Specifically, this report will examine how Surrounded by Cedar Child and Family Services (SCCFS) can shift their workplace investigation process from a Western-based approach to a culturally grounded one as a way to better meet the needs of the organization and its Indigenous employees and managers. This report will also reflect recommendations the organization will use to conduct future workplace investigations. The overall goal is to meet the agency's stated need of integrating culturally grounded practices in their organization WI process while ensuring that it is also aligned with current legislation.

1.2 Project Client

Executive Director (ED) of SCCFS, Jennifer Chuckry is the client. Ms. Chuckry, as the ED of the organization and with the support of her leadership team, staff and community members is working towards decolonizing policies and procedures for both human resources and child welfare practice. As a Delegated Aboriginal Agency in BC, SCCFS is bound by western, colonial provincial legislation, and as BC and Canada progress in the journey of reconciliation, both federal and provincial governments are working towards creating policies which reflect wise practice for Indigenous children, youth, families and communities to repair the damage that occurs due to governmental policy (Bennett, Blackstock & De La Ronde, 2005, p. 9).

1.3.1 Project Objectives and Research Questions

The primary objective of this report is to explore culturally safe practice within the context of Wis, as well as to identify and build on the agency's strengths to provide direction and support of the new WI procedures in alignment with the ESA. SCCFS' foundational practice is created from Indigenous ways of knowing and being, which also integrates provincial and federal legislation in the care for children, youth, families and community and supervision for staff. Decolonizing WI processes is an area of leadership and policy development which the agency has not yet fully explored. Through this project I will also provide WI process recommendations, looking specifically at who should be involved in the process and why (i.e., Elders, Knowledge Keepers, support people, etc.).

The primary question guiding this project is:

How can Surrounded by Cedar Child and Family Services Society, an Indigenous based organization bound by the BC Employment Standards Act, create culturally safe Indigenous

practices and policies with Indigenous and non-Indigenous employees when working through identified employee issues and workplace investigations?

1.4 Background

SCCFS is an urban Delegated Aboriginal Agency (DAA) located on the traditional territories of the Lkwungen people in Victoria, British Columbia. It is one of 24 DAAs in the province of British Columbia responsible for Indigenous children and youth in care. The agency receives its delegation from the Provincial Director of Child Welfare, who provides authority to administer various sections of the Child, Family and Community Services Act legislation. In its practice, SCCFS is responsible for approximately 100 Indigenous children and youth in continuing care who come from Nations across Canada. In its responsibility to these children and youth, SCCFS practices from the philosophy that children are the most sacred gift that has been given to the people and it is their responsibility to ensure these children's spirits and cultural identities are nurtured (SCCFS, 2019).

As a non-unionized agency, SCCFS falls under the jurisdiction of the Employment Standards Act (ESA). Therefore, developing culturally grounded WI processes which also adhere to British Columbia's ESA, as a means of engaging problem solving, conflict resolution and employee support, requires a two-eyed seeing approach (Bartlett, Marshall & Marshall, 2012). A culturally grounded WI could include a Circle process instead of a typical Western-based approach involving board rooms and tables; it could also include an Elder to support the process. It is important to note several non-Indigenous staff work within the organization. Thus, the newly created process will need to be flexible enough to meet various cultural needs and traditions and structured enough to ensure fairness and transparency on behalf of the Executive Director when conducting WI. There is also a sense of complexity in meeting the cultural needs of all Indigenous staff as they come from communities and cultures from various parts of Canada. Aligning WIs, as a typically adversarial and Western-based process with the organization's mandate and vision is the intended outcome of the project.

1.5 Rationale

In non-union agencies, the ESA defines the employee and employer relationship in the workplace with regards to hours of work, employee complaints, terminations, etc. (Employment Standards Act, 2019). While the ESA outlines various aspects of termination in agencies, it fails to provide agencies, like SCCFS, procedures for handling client complaints, employee conduct issues and overall organizational dispute resolution. Outlining such a

process for the agency will thus fill a current policy gap and create a more transparent structure for both employers and employees.

Workplace investigations are widely used by organizations for handling employee related issues and problem solving (Ferraro, 2012, p. 2). As defined by Bolton and Griffiths (2018), workplace investigations can be initiated by employees as a result of :

- discrimination
- harassment or violence
- inappropriate or unprofessional behaviour
- a hostile or disruptive work environment or where there has been threat
- vandalism and other sabotage
- violation of a workplace rule or policy
- a safety complaint
- workplace theft
- suspected substance abuse
- a statutory violation
- a workplace dispute

2.0 Literature Review

2.1 Introduction

This literature review explores scholarly research on Western-based workplace investigations and other themes related to policy and practice decolonization, specific in terms of workplace investigations within organizations. The literature review builds off the project objectives and research question. The main themes discussed in the following chapter are:

- 2.2 Definitions of Workplace Investigation
- 2.3 Causes of Workplace Investigations
- 2.4 Western-based workplace investigation methods (public sector)
- 2.5 Impact of workplace investigations on staff and organizations
- 2.6 Impact of workplace investigations on employers
- 2.7 Definition of decolonization
- 2.8 Literature review summary and conceptual framework

The researcher accessed literature through the University of Victoria's search engine Summon 2.0, the ProQuest database, and Google Scholar. The search terms used in this study were "workplace place investigation" "decolonization," "indigenous conflict resolution," "indigenous restorative justice," "culturally grounded," "Indigenous workplace investigations," "workplace psychology," "human resources," "human resource psychology."

2.2 Definitions of Workplace Investigation

There are multiple definitions for workplace investigations, with no one consistently agreed upon definition. However, despite an overall lack of agreement, there are certain common process elements, including a question to be answered or seeking information on an issue, with most workplace investigations arising from the identification of an issue brought forward by either an employee, client or community member.

For the purposes of this research, workplace investigations are defined as "inquiries of workplace misconduct or conflict that does not align with organizational policy or responsibilities and results in instability and imbalance. The inquiry is a method to gain information and evidence for decision making" (M. Czernick 2020). This definition is informed by current research on WIs and reflective of cultural considerations and knowledge.

Conducting a fair WI requires a number of components, identified by Oppenheimer and Pratt (2008, P. 44), that include:

- A “trigger” to instigate the need to look further into an incident or complaint
- An initial inquiry performed by a trained manager or supervisor
- Neutrality in identifying which policies are involved in the question or complaint
- Ensure confidentiality and other legal representation, if necessary
- Collect and document information through interviews and signed statements
- Identify the roles of those involved, including the complainant, respondent, witnesses, etc.
- Review information for further issues such as testimony that might be biased, conflictual and require a more thorough examination
- Prepare a written report of all information gathered, the findings and recommendations
- Respond to those involved to discuss confidentiality and findings

Workplace investigations require a skilled investigator to conduct the investigation with integrity (Oppenheimer & Pratt, 2008, p. 5). Skilled and competent investigators create and plan a process which is neutral and timely to ensure that they gather all relevant information as soon as possible to ensure that the incident is fresh in the complainant’s memory. Given that there are so many things that can go wrong when conducting an investigation, the importance of a clear and transparent process for employers cannot be overstated. The most significant responsibility of the primary investigator is to decide upon a strategy for the WI that is consistent with legal requirements and that upholds fair practices. Confidentiality on behalf of all parties within a WI is a requirement and depending upon the severity of the incident being investigated, may also include suspending employees with or without pay, or adapting work assignments.

In this review, there was little evidence of practice which reflects a relational aspect between the employer and employee in the process. Meaning, there was also little evidence on how the ongoing supervisory relationship between the employee and employer impacts or influences the sense of cultural safety staff feel during a WI. One article from the *HR Specialist: Employment Law* (2015) describes successful WIs as closed off and silent. While the article discusses the need for fairness and accuracy, it praises the ability to “keep a poker face” and not share information. If the employee and employer have an existing positive relationship, this straightforward, no nonsense, Western-based approach might be effective to some

degree, but it may also negatively impact the supervisory relationship. If this is not the demeanor or approach of the employer prior to the WI, this lack of consistency on behalf of the employer may cause a lack of trust, ultimately damaging the relationship.

Moreover, WIs which do not follow thorough and fair procedures throughout can fall under significant legal scrutiny and be counterproductive. Koen and Mitchell (2012) explain that WIs are critical to addressing complaints and they also provide an opportunity to avoid future legal issues. Employers can be held liable for their employee's misconduct, as the legal measure is not only for what an employee knows, but for what they "should have known" (Koen & Mitchell, 2012, p. 105).

2.3 Causes of Workplace Investigations

Koen and Mitchell (2012) share that employee misconduct is the most common reason employers have to initiate a WI. Examples of misconduct include the following:

- Theft
- Suspected violation of a policy
- Employee complaints regarding another employee's conduct including harassment or discrimination
- Community complaints about an employee's conduct (p. 105)

However, not all WIs result in termination. In the process of progressive discipline, there are stages of interventions imposed upon an employee to address the issues and correct behavior. While WIs are used to determine if the allegations or complaints are valid, they can also be seen as a benefit for employers and employees, as they can help to highlight policies, identify effective training, and provide an opportunity for employee awareness of wrongdoing or lack of development in a particular area (Finlay, 1999).

When an employer hears a complaint about an alleged wrongdoing, they are obligated to look into it further (HR Focus, 2010). Failure to do so can have significant legal implications as it may contravene overarching worker safety policies, such as WorkSafe BC. In situations where there is a dismissal, a WI needs to show how the issue(s) were handled, the information gathered and the outcome and decisions were made. Finlay (1999) explains how, upon reviewing the evidence, British Columbia courts can reject an employer's decisions for termination and award employees' financial damages for unfair procedures. Therefore, when a supervisor or manager hears a complaint or knows of wrongdoing, initiating a fair WI is also important for protecting the organization from potential financial implications.

2.4 Western-Based Workplace Investigation Methods

In the Public Service of British Columbia (PSA), workplace investigations take place within the context of a contractual relationship between the Employer and the Unions. This established process is considered a fair process for dealing with issues when complaints are raised, misconduct is alleged, and policy is potentially violated.

The PSA identifies three categories of WI that relate to attendance issues, performance issues or misconduct (PSA, 2020). To illustrate, the Minor Culpable Issue Process (the most common type of WI the PSA handles) will be reviewed and examined. The PSA's 2020 definition of a minor culpable issue is

“An employee’s unacceptable attendance, performance, or behaviour is culpable when the behaviour is intentional. In other words, the employee is at fault. The employee knows what's expected, is capable of meeting the expectations, but chooses not to do so. Discipline is only for culpable behaviour.”

The discipline process includes the following steps:

1. Minor culpable issue identified
2. Consultation with PSA
3. Advise employee of concerns and state objectives
4. Give verbal warning of possible consequences
5. Provide or refer to counselling or coaching
6. Provide specific Letter of Expectations
7. Review and reinforce
 - a. If the objectives are not met
 - i. Contact the PSA
 - ii. Possible disciplinary action
 - b. If the objectives are met
 - i. Employee succeeds (PSA, 2020)

When an issue or alleged wrongdoing is identified, the employer contacts the PSA for support, advice and guidance prior to engaging with the employee. WIs are described as being conducted by interviewing complainant, witnesses and the respondent. Information gathered is also included in the steps to a WI, all of which needs to be reviewed and assessed. A report is then created with a finding of facts, with allegations answered according to the WI (PSA, 2020). The lead for the WI answers the allegations based upon the evidence gathered

and the interviews held. The answer to the allegations and the extent to which they were founded informs the decision maker's next steps.

As stated earlier, the presence of Collective Agreements (CA) provides support and representation to employees during workplace investigations. Union representation means representation during the interview process to ensure that the CA is being followed. This is a right for any bargaining unit employee, no matter their role in the investigation (BCGEU, 2020). All respondents are encouraged to utilize their right to representation, especially if discipline could result from the WI (PSA, 2020).

Once interviews are complete and the relevant information is collected, the decision-making stage of the WI occurs. During this stage, there are numerous considerations for the lead investigator to review, such as the findings of the WI, interviewee credibility and perceived conflict of interest. The perception of fairness is most important to a successful WI, a perception which requires the employer to be clear in their evidence and to ensure that a proper process was followed. There is a distinction between the role of an Investigator and Decision-Maker within the PSA WI process. When a WI results in findings requiring minimal or no discipline, the Investigator and Decision-Maker can be the same person. However, when the WI findings are more severe and result in higher levels of discipline, the Decision-Maker should be a separate manager or employer representative to reduce the appearance of bias (PSA, 2020).

2.5 Impact of workplace investigations on employees

There are various articles that explore the use of effective WIs, its proper use, and the impact of misconduct on employees. While there is only limited research available that explores the employee's psychological and mental health when an incident occurs within a workplace. Employees included in a WI include the witnesses, complainant and respondent, all of whom may require support, such as the provision of the Employee Assistance Program or other counselling services.

Greer and Labig (1987) discuss the impact and intensity of discipline in terms of its overall effectiveness in changing an employee's behaviour. According to the authors, there is no connection between an employee's reactions to the discipline or the relational aspect of the supervisory relationship. The likelihood of employees repeating the same undesirable behavior was also reduced when employee's felt like their supervisor might see them behave

in a way which could be seen as misconduct, which is the goal of why an employer would engage in progressive discipline or WI (Greer & Labig, 1987, p. 521).

Zhang and Agarwal (2009) explore employee reactions to various topics of organizational justice, including issues of empowerment and its impact on employees. In decision-making, having one's voice heard increases a sense of control and perceived fairness (Zhang and Agarwal, 2009, p. 679). According to the authors, providing opportunities to empower employees leads to higher engagement and workplace participation.

2.6 Impact of Workplace Investigations on Employers

There is only limited research available on the mental health and psychological impact of WIs on employers, with the majority focused primarily upon the impact of poorly conducted investigations on the organization. That said, there are numerous challenges for employers during workplace investigations, ranging from planning and conducting a fair investigation, finding the right discipline for the misconduct of the employee, and managing potential significant emotional reactions from employees. Investigator bias is found to be one of the most consistent barriers and a cause of fault finding (MacLean and Read, 2019, p. 145). This means that bias can play a significant part in the investigation due to unchecked bias or a simple lack of awareness. MacLean and Read (2019) also found that the more the investigator is engaged in the WI process, the more likely they are to find fault with the employer (McClellan, 2019, p. 145).

Ballard and Easteal (2018) also note that when investigations are not handled properly and performed by experienced and qualified investigators, this can lead to significant legal liability for the employer. As such, WI training is essential to ensuring a fair and thorough investigation and may potentially assist the organization and its leadership in preventing future legal battles.

2.7 Indigenous Restorative Justice Practices

Western research and ideas are prioritized over Indigenous practices and knowledge, and as a result ultimately shape the reality of how organizations operationalize systems, including WIs (Smith, 1999, p. 67). Smith (1999) explains that the imposition of colonial ideology in countries like Canada has made that specific perspective the reality and authority. This perspective is then adopted by organizations like SCCFS, which then require acts of

decolonization to better reflect Indigenous knowledge and wisdom. The damage of this perspective is evident in numerous systems throughout Canada.

2.7.1. CONFLICT AND INDIGENOUS CULTURE

“When differences arise in families, organizations or communities, legal culture is always present, shaping perceptions, attitudes, behaviour and outcomes” (Morales, 2014, pp. 253-254).

Indigenous justice systems are based upon the principles of interrelatedness, accountability and repair (Chartrand and Horn, 2016, p. 4). However, with colonization and the imposition of Western-dominated systems, these practices and ceremonies were disregarded and ignored. Bishop and Coburn (2012) discuss the sacredness of the use of ceremony for communities in helping to resolve conflict and repair what was lost, a process that created structure, predictability and safety for those involved. Conflict has consequences for the entire community, and therefore needs to be addressed within the community context. Resolving conflict restores balance, inclusion and cohesion within communities (Bishop & Coburn, 2012, p. 22).

Each Indigenous community created its own ceremonies to address issues and restore balance, and each ceremony identified key roles and responsibilities for those involved, including meaningful practices to further promote peacemaking. There were leaders within the community who upheld traditions, kept community members accountable and offered guidance (Bishop & Coburn, 2012, p. 28). By way of example, Bishop and Coburn (2012) describe a Maori conflict resolution ceremony which included the following steps:

1. Separation stage: participants remove themselves and enter into ceremony;
2. Margin stage: this is the action of using obscenities and mocking language towards the participants;
3. Aggregation stage: participants return back to the community and rituals are performed in efforts to incorporate the ceremony into daily life.

There are significant differences between the Western world view and the Indigenous worldview. The Indigenous worldview is not linear and does not identify a beginning and an end. Morales (2014) describes Indigenous law as cyclical, and once a dispute is handled between two parties, it does not signify the end of the dispute, as consideration is also given to who else might have been impacted by the dispute.

Morales (2014) describes how Hul’qumi’num culture resolves conflict within its community by providing the universal standard of kinship, restoring balance or restitution, spirituality, and

respect. She goes on to state how communities within Coast Salish Territory should use these standards during conflict resolution as a sign of respect to the territory and the knowledge of the Elders. It is worth noting that based on the familial system that's being referenced, the term "Coast Salish" may or may not be the most appropriate identifying title (personal conversation with Bradley Dick, 2020). While some Indigenous people and communities may be fine with using the term, some Indigenous people and communities prefer to be identified by their land or familial ties, rather than the broad term of Coast Salish.

2.7.2. CONFLICT PREVENTION IN INDIGENOUS COMMUNITIES

Rather than being reactionary, Chartrand and Horn (2016) explain that prior to contact, Indigenous communities had systems in place that prevented or minimized conflict. Traditional Indigenous communities valued accountability and stability. When instability occurred due to the actions of a community member, measures were undertaken to restore that balance and the relationships involved which they viewed as the foundation for survival, whether with people, the land or spiritual world. Maintaining accountability measures was therefore imperative (Chartrand & Horn, 2016, p. 7).

Although harmony and balance were the goals of Indigenous communities, this was not always possible, and discipline would have to occur. There were times when members who have caused harm had to be removed from the community for the safety of everyone. It is worth noting that without the presence of formal legal systems and policing, the family, kinship connections or those closest to the person that caused harm, was responsible for restorative practice (Chartrand & Horn, 2016, p. 8).

Morales (2014) identified that through teachings of self-discipline, generosity and peacefulness, children were taught that conflict should be prevented or avoided. These teachings offered a way of life that reduced the likelihood of conflict. One Elder, Wenona Victor, described that conflict resolution begins at birth, with Elders responsible for offering teachings within the family structure (Morales, 2014, p. 257). Other teachings to avoid conflict included teachings around respect, trust, love, and sharing (Morales, 2014, p. 257).

2.7.3. THE ROLE OF ELDERS AND KNOWLEDGE KEEPERS

The role of Elders and Knowledge Keepers within the scope of conflict resolution and restoring balance cannot be overstated. The wisdom and teachings offered by Elders in this process provides meaningful knowledge not otherwise considered. Tait (2007) describes Elders needing to have direct input into restorative justice processes. She does not think there is a prescriptive role they play in the process and their involvement should be flexible based upon the circumstance. This system mirrors the traditional practices communities upheld prior to contact.

Morales (2014) explains that traditionally, Elders were responsible for teaching the children in the community how to avoid or prevent conflict by living in a good way. Along with providing teachings, the Elders also provided discipline to children who were not following community rules. With the introduction of Western worldviews and the creation of nuclear families, the idea of community responsibility to care for the children has disappeared, resulting in familial isolation and problem solving (Morales, 2014, p. 262).

2.8 Definition of Decolonization

Within several provincial governments, universities and public institutions there is a calling to challenge the imposed knowledges of mainstream, Western systems, and to make amends in the relationship between Indigenous people and Canada (the government and people I should think). *The Truth and Reconciliation Commission of Canada* (TRC) identified 94 Calls to Action for various levels of government to engage and implement in efforts to improve outcomes for Indigenous people in Canada (Truth and Reconciliation Commission of Canada Calls to Action, 2015). As one TRC Call to Action, the Commission called on Canada to adopt The United Nations Declaration for the Rights of Indigenous Peoples (2007), an international declaration subsequently ratified by the government of British Columbia in 2019, becoming the first province in Canada to lead the way. The commitment made by the Province was to invest in engagement, informed consent and new decision-making agreements with Indigenous peoples. The reports and declaration named above are a part of the journey Canada is undergoing in decolonization, a journey that is just beginning.

Decolonization is simply defined as “[freedom] from colonial status” (Merriam Webster, 2020). The more in-depth definition includes the following:

- Restores Indigenous worldview
- Restores cultural and traditional ways
- Replaces western interpretations of history with Indigenous historical perspectives (Indigenous Corporate Training, 2020)

Tuck and Yang (2012) explain the harm and damage that comes when Indigenous people and communities are not responsible for their education and systemic relationships they encounter and participate in. The action of decolonization is brought about in forms of language, processes, thoughts, education, etc. According to Tuck and Yang (2012), decolonization should not be viewed as an easy or comfortable process; it should be unsettling in practice. Settlers, through colonization, have negatively impacted Indigenous

communities within Canada. Thus, allowing white people to determine what works best for Indigenous people is counterproductive.

Awareness of how colonization has infiltrated systems and beliefs is an essential part of how to move through to culturally responsive organizations and policies. An important part of decolonization, as described by Tuck and Yang (2012), is the recognition that one's thinking processes are in fact colonized. This awareness comes through our education in history and an understanding of how colonization has caused significant damage to Indigenous people. As Indigenous people learn, the more they can decolonize. The unsettling of the reality that was created by colonization is messy and sometimes chaotic, and not only effects Indigenous people, but white people as well (Tuck and Yang, 2012).

The story of Indigenous communities has historically been told by non-Indigenous scholars, historians and leaders, perpetuating colonialism and creating significant harms and traumas to Indigenous people in Canada. Truth-telling is imperative to decolonization, as the lack of Indigenous voices and worldview in the story of research and within organizations perpetuates misinterpretations, and more importantly plays into the myth that indigenous communities lack the ability to tell their own stories and to create their own futures.

Bhandar (2007), through the teachings of John Borrows, explains how Indigenous people in Canada are currently reclaiming and reshaping historical relationships with the nation. Bhandar (2007) shares how integrating Indigenous practices and laws can serve to enhance mainstream systems, thus decolonization in action. While Bhandar takes a uniquely legal perspective in her research, the teachings and information can be implemented in most Western, colonial systems, especially when they are working with/for Indigenous people and communities.

In reference to the WI process, it is not enough to simply restructure the existing WI process and to attempt to make it fit in an Indigenous organization. Unsettling the status quo is necessary for creating meaningful change when decolonizing mainstream ideals (Elliot, 2016, p. 413). As Audrey Lorde (date) reminds us, "the master's tools will never dismantle the master's house" (Everyday power, 2020). To decolonize current WI processes, it is imperative that Indigenous people and communities develop *their own* methods and processes. It is important to recognize that even with good intentions, if Indigenous people and communities are not actively involved in participatory practices devoted to the development of systems which concern them, it will continue to be harmful. Acknowledging the beneficial pieces of the Western system and being able to use those to enhance a culturally grounded system, can allow participants the space to take what works for them in the existing system and leave behind the pieces that do not work.

Kovach (2009) describes decolonization research and theoretical perspectives as the following:

- *...be in line with Indigenous values*
- *...some form of community accountability*
- *the research is gives back to and benefits the community in some manner*
- *[and] that the researcher is an ally and will do no harm (p. 48)*

Smith (2012) further adds that the decolonization of research braids in cultural ways of knowing and being with science without needing authority over what information is gained and what is learned. Western research is centered in a perspective and lens that is grounded in ownership and the practice of decolonizing research is centered around honoring Indigenous values as meaningful and legitimate (Smith, 2012, p. 128). Indigenous research allows for collaboration and a level of expertise that arises when members conduct research within their own community that is not possible when those from the outside come in and take over.

3.0 Methodology and Methods

This inquiry used Circles to gather information on workplace investigations (WI). Due to COVID-19 restrictions, the Circles were completed virtually through Skype for Business, rather than in person. The topic of WI is sensitive in nature and inviting participants to offer their experiences in workplace conflict and WIs with their cultural knowledge and processes virtually is a new phenomenon for both the researcher and the agency.

3.1 Inquiry Question

How can Surrounded by Cedar Child and Family Services Society, an Indigenous based organization, bound by the BC Employment Standards Act, create culturally safe Indigenous practices and policies with Indigenous and non-Indigenous employees when working through identified employee issues and workplace investigations?

3.2 Inquiry Design

The inquiry was explored in two stages. The first stage was a scholarly and comprehensive literature review. Stage two was made up of Inquiry Circles with 13 participants who were asked four questions about current workplace investigation processes and how they might braid culture into a western based process.

The purpose of the first stage was to understand the current literature on WIs and to identify any gaps in culture and how traditional Indigenous knowledge and practice approached conflict resolution. The purpose of the second stage was to gather knowledge, experience and wisdom from the participants to inform a culturally grounded WI process for this specific organization.

3.3 Methods

There were two methods used in this inquiry. The literature review was the first method used in stage one to examine the ideology of workplace investigations in a Western context and impacts on both employee and employer, and to define concerns with decolonization.

The second stage integrated an Indigenous worldview through the use of Circles. Three separate participatory groups were created in consultation with Ms. Chuckry and key stakeholders necessary to conduct this inquiry. Ms. Chuckry and the researcher grouped participants, who subsequently self-selected and decided upon their own participation in the inquiry. Invited participants in the **Leadership group** all held formal leadership roles within the organization. There were three Indigenous participants and two non-Indigenous participants. The invited participants in the **Staff group** were all identified staff of SCCFS. The Staff Circle was made up of two Indigenous participants and two non-Indigenous participants. Invited participants to the **Community group** were selected by Ms. Chuckry based on their roles within community, given that each member were leaders in the urban Indigenous community with experience in human resource matters and walked in their cultural ways. Each participant in the Community Circle identified as Indigenous and had a professional connection to SCCFS. Gathering the input, knowledge and information from other urban Indigenous leaders was important to the research because the relationship between the identified community members and the agency is ongoing and reciprocal. Participants in this Circle have had a relationship with the agency since its inception and have a vested interest in its overall success. They have witnessed the organization being built by those in community and understand the importance of nurturing Indigenous staff. Some of the Indigenous leaders invited are involved in protocols agreements with SCCFS. (personal conversation with Jennifer Chuckry, October 25, 2020). The relationship SCCFS has with its community partners is reflected in all areas of practice and inviting those with specific knowledge of organizational leadership and the action of walking in their own cultural teachings is a common part of decision making. All four participants identify as Indigenous.

Safety for staff to have the space to share how they felt, share their opinions, experiences and thoughts was a significant consideration in the planning of how participants would be grouped. As a result, the following three groups were created:

- Group 1: SCCFS Leadership Circle
- Group 2: SCCFS Staff Circle
- Group 3: SCCFS Community Partner Circle

All participants were asked the same four questions that were formulated and organized to reflect a journey from where the WI process currently is, to where it needs to go to ensure it is both culturally grounded and satisfies legal parameters. It is important that the knowledge and wisdom community brings in through offering of their experiences and teachings is captured and integrated into the project.

Consent forms were sent out electronically along with invitation emails prior to the Circle. Participants were encouraged to ask questions for clarification concerning the Consent Form and purpose of the inquiry.

All Circles opened with a prayer, introductions, Circle Agreements and territorial acknowledgements.

3.4 Participants

A total of 13 individuals participated in the Circle. Profiles of the people who participated in each Circle are found in Table 1. Circle participants included individuals from Status and Non-Status First Nations, Non-Indigenous, Metis and Inuk. All participants worked and resided in urban areas of Vancouver Island. A total of two men and 11 women participated in the Circle work. It should be noted that one participant participated in two separate Circles.

The presence of a Knowledge Keeper throughout the process was important to ensure cultural protocols and Circle safety. There was one Knowledge Keeper participating with every Circle who facilitated the prayer and offered teachings throughout. The Knowledge Keeper is Indigenous to British Columbia.

TABLE 1
OVERVIEW OF PARTICIPANTS

	# of Circle Members	Circle Member Profile
Leadership Circle	5	<ul style="list-style-type: none"> • Leaders within SCCFS • Indigenous from throughout Canada • Non-Indigenous • One male • Four women
Staff Circle	4	<ul style="list-style-type: none"> • Staff members within SCCFS • Indigenous from throughout Canada • Non-Indigenous

		<ul style="list-style-type: none"> • Four women
Community Partner Circle	4	<ul style="list-style-type: none"> • Indigenous identification from throughout Canada • Two Executive Directors • One Director • One Manager • One male • Three women

3.5 Recruitment

Participation and invitations were discussed with Ms. Chuckry, the client. A decision was made to invite all leadership team members and staff, though they did self-select in terms of their engagement in the research based on their interest in the research project, desire to support the organization, etc.

The client identified all participants within the organization and all participants within the community. Given that the research for this particular community was specific to SCCFS, self-section and participant identification was necessary. While self-selection can work in terms of safety and control for staff, the number of staff participants who actually participated was significantly lower than the number of staff invited. Invitations for participation were sent out to all staff and leaders through their work email within Surrounded by Cedar. The same invitations were sent out to community participants.

Participation criteria was determined by role and relationship to the organization. Each participant became aware of their assignment to a particular group in the email invitation. If a participant chose to participate, they completed a Consent form and attended their respective Circle. The three groups were identified within the invitation email and each participant was contacted based on their primary role.

The researcher and the Knowledge Keeper had an existing connection through a prior employment relationship. The researcher invited the Knowledge Keeper to support the Circle, ensure protocol was followed and support participants. The researcher also shared the Consent Form and email invitation. Throughout the Circles, the Knowledge Keeper shared their own experience, cultural teachings and support with Circle participants.

3.6 Circle Questions

The Circle Questions were made broad enough to allow participants space to speak about their own experiences. Questions were designed to explore the journey of change and decolonization for the organization.

In total, four questions were asked:

1. Where are we?
 - This question was intended to capture the perspective participants have about the current WI process.
 - This was inclusive of SCCFS' WI process, WI policies in general or another organization's WI processes.
2. Where are we going?
 - This question was intended to develop a vision and idea of what a culturally grounded WI process would look like, whether in SCCFS or not.
3. Who and what do we need to consider?
 - This question invited participants to identify what is missing from the process and who needs to be included.
 - It also was an opportunity to further examine the cultural needs of a WI process
4. When will we know when we're there?
 - This final question was intended to allow participants to describe how a culturally grounded WI process would feel and look within the organization.

At the end of each Circle, members were provided with the opportunity to share anything they felt needed to be included in the research project in order to support SCCFS in their journey.

3.7 Circle Agreements

A Knowledge Keeper attended each Circle to ensure that protocols were followed. Participant safety was a priority and cultural knowledge and teachings were shared

throughout the Circle. The role of the Knowledge Keeper was to act as a witness to the research process, provide support for participants and support for the researcher. Each Circle opened with a prayer offered by the Knowledge Keeper, introductions, territorial acknowledgements; participants asked what they hoped to get from their participation in Circle. In the interest of safety and cultural protocol, the researcher invited participants in each Circle to create their own Circle Agreements which were reflective of the individual Circle participants. Following the development of Circle Agreements, participants were asked the four identified questions.

3.8 Information Gathering

In each Circle, and for the purpose of consistency, participants were given a description and provided with the parameters of the research project and protocols of confidentiality. Participants were informed about how the information gathered would be shared and how raw data would not be shared with participants in other circles or with anyone other than the researcher and supervisor. The ability to withdraw consent to participate was shared with each participant in the invitation email, consent form and during the introduction sharing during the Circle work. Participants were told that written notes would be taken in efforts to capture the information shared; those notes were not shared with the client or with other participants. The intent of written notes was to capture what was shared (and by whom) during the Circle. The Leadership and two Staff Circles were an hour and a half in length and the Community Circle was a total of two hours.

The sequence of the questions asked was important to the overall outcome and structure of the Circle. Leadership and Staff Circle participants were aware of and participated in SCCFS' ongoing journey of decolonization. Therefore, it was important to understand where the organization is currently and how the existing WI process impacts those involved.

There were two staff Circles conducted with a total of four participants. Separate Circle Guidelines were created and adhered to throughout the process. It's notable that each Circle had different Circle Agreements depending on the participants and their needs for the work being conducted within each group.

3.9 Limitations

Four limitations were identified during the inquiry. The first limitation was the relationship of the researcher to the client and some participants, which was identified early on in the research process as a potential concern in terms of safety, participation and responses during the Circles. However, while confidentiality was a priority, and all Circle members were promised confidentiality and anonymity, it may nonetheless have resulted in a lack of participation from members of Group 2.

The second limitation was the use of virtual Circles. COVID-19 required the format of the inquiry to switch from in-person Circles to online, virtual and telephone participation. This could have created barriers to both participation and the safety of sharing for potential and actual contributors. It is not typical for a Circle to be virtual; however the resilience of the leaders, staff and community members made it work and made it a powerful experience despite the adaptation to traditional practice.

The third limitation may have been the personal selection of participants for the Community Circle. This research was initiated by Ms. Chuckry, a First Nations woman, who views community input as imperative to the work SCCFS does with children and youth. She identified key partners to be invited to the project, all of whom worked on Vancouver Island, were from different areas, either in the province or elsewhere, leading to diverse perspectives. This could have also limited the perspectives gathered as the findings could have been biased.

The final limitation was that participant groups were small, which leads to not being able to explore some of what was shared due to the possibility of participant identification. Being able to go into full detail about an idea or story shared was difficult as it would have breached confidentiality.

3.10 Data Collection

In the literature review, scholarly work, information bulletins and the BC Public Service website were utilized to describe the Western modality of workplace investigations.

The Circles were completed virtually on Skype for Business due to COVID-19 restrictions. Utilization of the video function was not necessary and was not utilized by most participants. As relationships with all participants had not been established prior to the Circle work and the topic of workplace investigations tends to bring up feelings of discomfort, the researcher did

use the camera function throughout the four Circles. The information gathered was collected through pen and paper by the researcher. Upon the closing of all four Circles, the information gathered was transcribed into Microsoft Word. The transcriptions were used for analysis, identification of themes and coding.

3.11 Data Analysis

The transcriptions were used for analysis and for the identification of themes. Words or phrases that were repeated in the Circles identified two broad themes and multiple sub-themes.

4.0 Findings

This section will examine the overall perspectives participants shared during the Circles. The findings will be organized by two specific themes, *Creating a Culturally Grounded Process* and *Relational Leadership*. Sub-categories are also created from the two main themes, all of which are connected to the information gathered and coded as meaningful to creating a culturally grounded workplace investigation process.

The themes and subsections will be organized as follows:

4.1 Creating a Culturally Grounded Process

- 4.1.1 Safety
- 4.1.2 Elder/Knowledge Keeper
- 4.1.3 Circle
- 4.1.4 Clear/Clarity
- 4.1.5 Values
- 4.1.6 Mental Health/Well-Being/Support
- 4.1.7 Intention

4.2 Relational Practice

- 4.2.1 The Journey of Culturally Grounded Policy
- 4.2.2 Relational Leadership

4.1 Creating a Culturally Grounded Process

This theme was created to reflect the way that participants envision a culturally responsive WI process, especially when considered in comparison to the current process. The importance of the inclusion of cultural protocols, teachings and practice when conducting workplace investigations in an Indigenous organization was shared within each Circle.

Leadership, staff and community identified that a new process should create safety and should be reflective of the decolonization work already underway within the agency. Participants discussed what cultural safety could bring to a process that can be uncomfortable and lacking security throughout, such as WIs, and how it could make a marked difference for staff in their sense of safety. Participants also noted the importance of including an Elder or Knowledge Keeper (KK) when an issue is identified that might result in a WI, as it would enhance cultural practices and protocols.

Within the theme of *Creating a Culturally Grounded Process* there were seven identified sub-categories based upon sharing throughout the four Circles. The categories listed below reflect the perspectives shared by circle participants.

4.1.1 SAFE/SAFETY

Within the four Circles, the word safe or safety was often used when discussing workplace investigations as the current policy and procedure of workplace investigations was not considered culturally safe, especially given the adversarial nature of the existing process. Participants discussed safety in the context of process and space as they wanted the process to feel safe and familiar to them, but they also wanted consideration for the physical space that is used during workplace inquiries. Some of the participants also stated that it was important for leaders to “create safe space” throughout the process of WI inquiries with staff, as the process itself can be quite emotionally challenging.

The concept of physical, emotional and spiritual safety was also raised in discussions of Circle, ceremony, clarity and Elders and Knowledge Keepers as practical examples of considerations during WIs. When discussing decolonizing the current workplace inquiry process, safety was imperative and was directly related to culture and cultural practices. When participants were asked how they will know when they are at a place with a culturally safe WI process, they responded with “behavior changes and the people start to feel safe.”

Although one participant stated that safety “comes from leadership,” it was worth noting that safety was not a consideration only limited to staff. There was discussion during the Community Circle that safety was a consideration for leaders as well. Participants made

mention that safety was important for all involved in the workplace inquiry process, which aligns with the holistic practice of Circle and cultural safety.

4.1.2 ELDER/KNOWLEDGE KEEPER

The role of Elder and/or Knowledge Keeper was mentioned in every Circle by many of the participants. Elder and Knowledge Keeper roles were used interchangeably by participants, except when specific to the Elder In-Residence role within SCCFS. As with the role of Elders and Knowledge Keepers within Indigenous communities, they were deemed equally as important and necessary for inclusion in workplace inquiries withing SCCFS.

Circle participants were also asked about the importance of including Elders and Knowledge Keepers to ensure a culturally grounded workplace inquiry process in terms of supporting cultural protocols and safety of the Circle. One participant stated that having a Knowledge Keeper or Elder present was imperative regardless of whether it was a serious issue being reviewed. This participant felt that Elders were important to the process and including them and their teachings could potentially allow staff to be more vulnerable within the process. Vulnerability within workplace inquiries, according to this participant, creates the space for staff to learn from their mistakes and be reflective of their actions and accountabilities with regards to an incident which triggered the workplace inquiry.

SCCFS has a specific Elder in Residence role within the agency that is responsible for supporting staff personally and through their work with clients. A participant from a staff Circle identified the confusion around the role of the Elder in Residence and clarity with responsibilities would be helpful to staff. It was unknown who the role was intended to support, whether it be families, youth, staff or others. According to this participant, identifying how the Elder in Residence could contribute or facilitate workplace inquiries in the job description and communicating that to staff would dispel confusion. As participants expressed, the role of Elder in Residence is not an easy position to fill and retain. One Community Circle participant mentioned that if the Elder in Residence did not take responsibility for facilitating the Circle, the Team Lead or Manager could take that responsibility. It was also noted that it is important to be able to create space and a role for the Elder, although it was not made specific what that role would look like.

Participants believed that including “the old people,” including Knowledge Keepers was important in terms of creating safety within the process when cultural protocols and traditions are upheld within the work environment. Therefore, if there is a lack of clarity with regards to the role of the Elder in Residence and the organization decided to use that role in facilitating Workplace Inquiry Circles, their role should be clearly defined, and this should be communicated clearly to staff.

4.1.3 CIRCLE AND CEREMONY

The use of Circle in Workplace Inquiries was identified as the best structure to conduct the exploration of facts and information, specifically in the Staff and Community Circles. Participants stated that the use of Circle was an appropriate method to creating cultural safety for staff. Some of the Community Circle participants discussed the specifics of how Circle would contribute to cultural safety, including the teaching of patience and inhibiting impulsive reactions while providing a culturally supportive structure.

As Workplace Inquiries will include all steps of progressive discipline, the agency cannot ignore the fact that severe discipline and even terminations may sometimes be necessary. While this was not the focus for participants in the Leadership and Staff Circle, for Community Circle participants, the Circle process generated more dialogue and interest. Suggestions included holding a Circle to be able to gather information while creating a safe space for employees to share their story, enabling them to take responsibility for their actions and use of the Circle to provide the employer with a process to enable potentially difficult conversations. For Community Circle participants, support to staff when conducting potentially serious inquiries is important as the process itself can often have emotional impact.

The use of ceremony was also discussed in the Community and Staff Circles. A participant within the Community Circle identified the need for ceremony within workplace inquiries in terms of taking care of employee cultural needs. Practicing ceremonies, such as smudging, brushing, going to the water and land within the process of an inquiry, was deemed necessary as it could demonstrate to the employee how things could potentially move forward. Further, the use of ceremony was also cited as another method to decolonize policies and procedures.

It was also important to members of the Staff Circle that the intention of the Workplace Inquiry Circle process be made clear to all participants. Participants discussed giving staff the option to have a Circle instead of a formal, Western based process, a process that might include the values and teachings of Circle. One participant from the Community Circle stated that choice is important to cultural safety and having Circle as an option would be beneficial as it empowers the staff to decide on which process is most meaningful. While it was stated that some staff may choose not to have their process conducted in Circle, integrating pieces of Circle into a formal, Western process, such as prayer, closing rounds and check ins might be beneficial. For some, the sense of options, created safety.

4.1.4 CLARITY

Creating safety within a Workplace Inquiry seemed to be directly related to the need for leadership to ensure clarity of communication in terms of policies and practice. Within the

four Circles, the words “clear,” “clarity” and “listening/understanding” were mentioned multiple times by participants. Within the Community Circle, one participant offered how clearly communicated intentions built a strong foundation for creating a culturally grounded workplace inquiry process. Clarity about intention was also cited as important, as were clarity around timelines, approach, roles, responsibilities and employee expectations.

Another participant highlighted the wholistic nature of Indigenous workspaces and the need for the whole to be considered, and not just one piece of the process. When looking at workplace inquiries, the journey for an employee and their direct supervisor begins from the time the relationship starts to the time of a potential complaint or conduct issue.

The clarity of communication was also cited as important, particularly in terms of listening and understanding for keeping employees feeling included and cared for. The idea of connection (or lack thereof) was also shared by a Staff participant as a lack of communication could also lead to an inquiry or conflict. The capacity, inability or lack of safety for discussing conflict was described as a barrier to one-on-one dialogue with employees, with a culturally led, facilitated process like Circle, cited as a way to potentially reduce organizational conflict and misunderstandings.

Participants also cited listening as important, not only in terms of whether employers were listening, but also how they were listening. The term curiosity was acknowledged within the Circles as a key part of listening that needs to occur on the part of the employer. Curiosity within the Staff Circle meant being calm, listening and assuming the best. According to one of the participants, it was important that employers not approach the inquiry with any prior or preconceived ideas or outcomes which may result in the employer becoming, unapproachable, tense and upset. Safety was directly tied to the leader’s approach.

4.1.5 VALUES

For some participants, ensuring the alignment between the values of Workplace Inquiries and Indigenous ways of knowing and being, along with policies and procedures, was cited as important. For one of the Leadership participants, the process of this research will directly inform policy, which aligns with both Indigenous ways of knowing and being and legislation

One participant from the Staff Circle explained when looking at creating a culturally grounded process, it is important to stay true to a set of values. It was suggested in that Circle that the organization create values which Workplace Inquiries will follow. Staff and Leadership working together to create the specific values will further staff inclusion and create more transparency in the Workplace Inquiry process. When asked about utilizing those values throughout the progressive discipline process, including termination, the participant

responded that once the values of the process are created, they will be able to be “followed no matter the situation.”

4.1.6 MENTAL HEALTH, WELL-BEING AND SUPPORT

Focusing on staff mental health, well-being and support were cited as integral to a culturally grounded process across all Circles. Mental health and well-being were directly tied to the stress WIs can cause employees, especially when they are not conducted in a culturally safe way.

One participant from the Community Circle discussed the Western model of WIs that she has been a part of, noting the lack of support for the mental health and support from the staff throughout the process. According to this participant, the Western process was adversarial and left staff feeling isolated and excluded. Given that most staff within SCCFS are Indigenous and have survived traumas in their life, including intergenerational trauma, it is important not to exclude or push employees into isolation during a workplace inquiry, but rather pull them in and “continue to care for them.”

Participants discussed support in depth throughout the workplace inquiry process. Support was considered to be other people employees can rely on during the Inquiry, such as Elders and Knowledge Keepers, to discuss their concerns and needs. For some, the process was considered a supportive measure for addressing and highlighting issues or concerns and a process to courageous conversations. As one of the participants explained, culture that aligns with the staff’s cultural needs can be braided into the WI in efforts to support the employee, especially if they are struggling and not in a good space. The inquiry could thus provide a culturally safe path for issues of conduct and performance to be addressed.

The majority of staff members also described that the same level of care and understanding provided to families and youth served by SCCFS would be necessary and appropriate for employers to offer employees when an inquiry is underway. Another supportive measure cited was ongoing employee consultation as a check-in to see where employees are emotionally, physically, mentally and spiritually throughout the WI process. These supports offered to employees should be cultural, and include an Elder (for example), and other established, Western supports, such as Employee Assistance Plans and counselling. Supports were described as fluid and ongoing, and based on engaging the employee in the workplace inquiry process in a way that connects them to the process in a positive way.

WIs were described as stressful and intimidating and punitive. The impact of staff and leaders experiencing such processes can be harmful mentally, spiritually and emotionally to an individual, supervisor and to the agency. Participants wanted to address some of those

concerns to ensure that a new process is more culturally safe, collaborative and strength based. Participants described how mental health is not mentioned within known WI processes and as such, is an important missing piece. Participants explained how WIs can be felt to be exclusionary and punitive to employees which made the process harmful and culturally unsafe. Staff Circle participants envisioned a WI process that was not shameful, provided learning experiences for staff involved and was holistic. Community Circle participants described how the process should be encompassing of Indigenous cultures and approached with curiosity.

4.1.7 INTENTION

There were two frames of reference mentioned for intention. One frame of reference for the term intention had to do with clarity and with employers making their intentions clear during the process. This aligns with the idea of clarity examined earlier and is directly related to open communication and policies with clear procedures. The other frame of reference related to the employers intention when conducting the inquiry. Several Circle participants explained that the intention of the employer was important to the inquiry as it could negatively influence the outcome. One participant in the Community Circle explained that the employer's intentions should be to seek feedback and not to create a context of shame or blame. According to this participant, validating and acknowledging an employee's feelings as real and authentic would greatly add to creating a culturally safe process. This same participant offered that using this as the first round of an Inquiry Circle to allow the employer to take responsibility for their part in how things got to where they did, including their role in the situation. The second round could be used for the identification of the reason(s) for the Inquiry and the role of the employee.

4.2 Relational Leadership

Relational Leadership was identified as the second theme, with a focus on the relationship between staff and supervisor, including the roles and responsibilities within the policy which highlight the relational nature of WIs. The idea to look at workplace investigations alone and separate misses the holistic vision of the supervisory journey leaders and staff both enter upon hire at SCCFS. Workplace investigations do not happen in isolation and in some instances, multiple investigations over time may be necessary in the practice of progressive discipline, so involving the supervisor in the well-being, listening and understanding of staff early on was imperative to creating culturally grounded workplace investigations. There seemed to be an assumption from most participants that culturally grounded meant non-conflictual and easily attainable.

This section is reflective of the sharing that is not specific to the process of workplace inquiries and more focused on the pieces of growth and development of an employee which comes before an inquiry and can perhaps prevent the need for one to occur at all. The two subsections within this topic include supervision and policy. These words were used by participants to describe the need for the critical reflection of culturally grounded workplaces to not start at the inquiry, but well before and up to the time of hire.

4.2.1 THE JOURNEY OF CULTURALLY GROUNDED LEADERSHIP THROUGH POLICY

Within the Leadership Circle, adjusting and amending the current policy was cited. It was highlighted that the current Progressive Discipline policy implemented in 2012 was not reflective of the organization, its growth and the decolonization work that occurred over the last eight years. Some participants within the Leadership Circle believed the work and focus on this area would contribute in a meaningful but practical way to creating a process which reflected the spirit of the organization and unveil a lot of confusion with regards to appropriate process, particularly with leaders.

Within the Staff and Community Circles the topic of language was either thoroughly discussed or mentioned. “Workplace Investigation” was identified as “harsh,” “colonial” and evoking of “shame.” The stigma of the word “investigation” was also identified as an issue and not reflective of Indigenous knowledge and teachings, as it assumes blame, is accusatory and adversary. Alternative language was suggested, including:

- Workplace Inquiry
- Conflict Resolution Process

Relational leadership was considered a journey on behalf of most of the leaders. Leaders and staff rely heavily upon the policy to assist them in guiding a workplace inquiry as it is imperative for the alignment of practice and organizational mission with the policy. One Leadership Participant discussed that as much as policy was necessary and could make significant changes to the lives of Indigenous communities, it can also be oppressive when it does not reflect the values of the organization and seems to be imposed. The objective of this research was to do just that, assist the organization to have their processes match their policies with regards to workplace inquiries through collaboration, input and integration of the wisdom of culture and others to guide the work.

Updating the Progressive Discipline policy will also support and address some of the concerns raised in the *Creating a Culturally Grounded Process* section above. Throughout the Circles, the themes of clarity, communication and intentions were mentioned, which identifies the importance of a clear and thoughtful policy. Creating a policy which reflects the words,

generosity and wisdom of all of participants can create space for further policies to adapt and support open communication to reduce confusion.

Multiple Leaders within the Leadership Circle understood the action of updating policies, decolonizing practice and creating culturally grounded processes as a journey. This journey was understood to have started before this research and to last beyond it. Some Leaders also explained that in this journey, there is a need for multiple voices to be included and they understood that Leaders were only a piece of how this inquiry would inform future practice with significant value in being inclusive, participatory and humble. Consideration to honor and acknowledge those leaders, staff and community who continue this journey with the organization was pointed out by one leader who felt it was the agency's responsibility to form and keep those relationships strong.

4.2.2 RELATIONAL LEADERSHIP

The journey of supervision begins upon the hire of an employee into the organization. Supervision provides opportunity for growth and development and sometimes that includes aspects of progressive discipline. Supervision was identified as important by multiple different participants in all three groups, leadership, community and staff. There were ideas surrounding the opportunity for role-modelling, clinical and administrative supervision.

One participant in the Staff Circle introduced the idea of separating clinical and administrative supervision to promote transparency and professional growth and development. Setting aside separate times to discuss administrative supervision topics like evaluations, policy updates information and potential performance or conduct issues would provide staff and supervisors the necessary space to discuss these topics. This would provide leaders the support and structure to have courageous conversations about issues as they arise. A few leaders in their Circle identified hesitation and lack of confidence in conducting workplace inquiries, which may lead to discipline within their supervisory relationships. A Leader within their Circle felt role clarification during WIs was necessary to outline specific supervisory responsibilities. They also mentioned the importance of roles and responsibilities within Indigenous communities within SCCFS. Those leadership roles carried the tasks of holding members accountable, providing expectations for conduct and acknowledging when things are not working and when they need to change.

A leader participant described success as feeling comfortable addressing issues as they happen. The same participant explained the ability to address mistakes as they happen could help readjust behavior, performance or conduct and be a preventative measure to workplace inquiries and potential discipline. This was further explained that allowing space for collaboration and performance issue problem solving during the supervision relationship may

create safety for both employee and employer and provide the opportunity for developing a plan and resolution when they arise.

Leadership, overall, shared the need to examine the current process and ensure it reflects the cultural aspects of conflict-resolution, accountability and protocols. Leadership stated they wanted staff to be comfortable with the process and wanted to give them the opportunity to have input. Leaders also reflected that the outcome should feel culturally safe and hold the test of legal requirements.

The idea of being preventative was also raised in the Community Member Circle in terms of ensuring supervision sessions were used to identify issues and areas for development of staff, a strategy could reduce the necessity of WI and discipline. As described, this could begin at the start of the supervisory relationship rather than waiting until an incident occurs which calls for a WI. The Community members shared that transparency on the WI process, staff retention and acknowledgement of cultural perspectives were imperative to a culturally grounded WI process.

Training for Leaders was a consistent topic within the Community Circle, with participants noting how it could support Leaders to engage in conflict resolution, courageous conversations and workplace inquiries. Building capacity for Leaders was important in *Relational Leadership* as the confidence and capacity of the facilitator is correlated to the negative or positive impact of the employee. Once a policy has been created which aligns more with the agency values and goals, developing a training was thought to be important by a member of the Community Circle. According to this participant, developing training, refreshers and ongoing mentorship would support leaders in building capacity in facilitating workplace inquiries and addressing performance or conduct issues. Another Leader agreed that training was important with regards to leaders being comfortable and knowledgeable, and that when issues arise, it is easy for Leader's to shift to a western practice of inquiry, with stress recreating a process which does not reflect culture or safety.

4.5 Summary

Overall, the seven sub-themes within the *Creating a Culturally Grounded Process* section and the two within the *Relational Leadership* section underscored the vast strength and wisdom of all that contributed to creating a process of conducting workplace inquiries within SCCFS. Most participants were Indigenous from various parts of Turtle Island and brought a variety of traditional knowledge and professional experience to provide depth and meaningful reflections to this work. Within the process of a workplace inquiry, the participants believed

that mental health, well-being, and support and clarity were important factors for leaders to consider and plan for when conducting a culturally grounded inquiry. Within the employee and employer relationship section, policy was felt to be meaningful to define and structure a culturally responsive process which is reflective of organizational values, collaboration and transparent intentions. It was clear, the more staff were aware of processes they are included in, the more participants felt that would provide feelings of safety.

5.0 Discussion and Analysis

5.1 Introduction

This section will discuss and synthesize the findings with the literature review and combined will lead to recommendations and suggestions. In this inquiry WI were examined in both a community oriented, action research method combined with a literature review. The question to be answered was how SCCFS could create a culturally grounded workplace investigation process through community collaboration. Through this inquiry significant topics and themes arose which capture the scope of the issue.

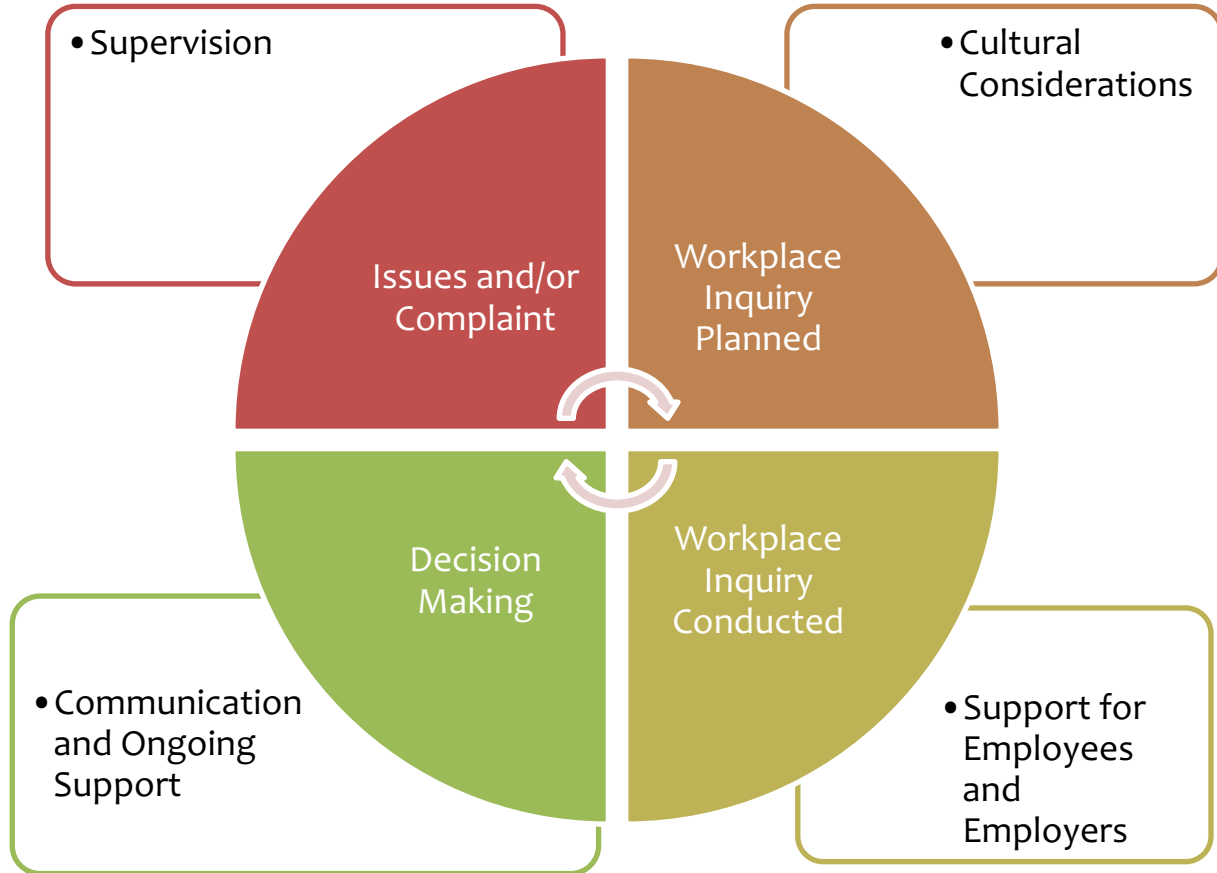
A Western worldview of WIs are widely researched, examined and understood. A number of articles and books have been authored which discuss the importance of a thorough, fair and timely WI. However, most of the literature is utilized and created to address the legal responsibility of employers and not the emotional and mental health of employees and employers who undergo a WI. The participatory research in this report outlined staff mental health as the most important piece of the work, with legal requirements not considered a priority. This project's aim was to review the literature concerning WI, traditional Indigenous conflict resolution practices and determine how to best implement a WI that aligned with legal requirements and cultural knowledge. The literature review was combined with Leadership, Staff and Community Circles to gather their views and perspectives about the SCCFS WI work and understand their vision of a culturally grounded WI process.

WIs best practices have been identified in the literature as being fair, unbiased, timely and properly documented (Ballard & Easteal, 2018; Mitchell & Koen, 2012; Finlay, 1999). The presence of Collective Agreements within the Public Service presents an accountability to evidence based, reliable structures for WI processes that meets legal requirements. The literature review also found the legal requirements, like the Employment Standards Act of British Columbia, remain a significant factor to why WI are conducted the way they are.

The Circle work conducted in this paper explained the cultural needs of the organization and how to best implement WI with significant consideration given to employee safety, highlighting the importance of culturally responsive policies and the need for clear communication.

When two-eyed seeing is applied to western and Indigenous practices, the outcome is a policy that includes the literature of WI and what is best practice with the knowledge, wisdom and needs of the SCCFS community. Ensuring that both worldviews and perspectives are included in this approach will fulfill both the legal accountabilities and cultural considerations. A two-eyed seeing approach is reflected in the following figure:

FIGURE 1. PROGRESSIVE DISCIPLINE PROCESS WITH TIMELINES



5.2 Issues and/or Complaint

It is important for organizational leadership to create the space and safety for employees to bring forward their complaints. This becomes important for a couple of reasons: one reason is because leaders want to be able to be available to staff and have them know that the employer cares about their concerns, and second, because if the employee does not feel safe, things potentially could go on longer than they should, further impacting the employee and potentially leading to severe legal implications for the employer.

When complaints come forward or the employer becomes aware of a performance or conduct issues, there are considerations to endure while determining what action to take. Staff and Community Circles noted the importance of coming to a complaint with the understanding of employees having the best intentions in their work. Upon further discussion, participants felt that employers could come to situations with emotional reactions, usually negative and upset, and that this could influence the manner in which the rest of the WI is conducted. It sets the tone. Therefore, it is important for the supervisor/and

WI lead to ensure they are coming to the WI with an openness to learn the facts and not lead by emotions.

Similarly, in the literature, Mitchell and Koen (2012) discuss that the key to a successful WI includes approaching it with objectivity and logic. They go on to say that this approach allows employers to be aware, as this comes up, about what is best needed to determine and solve the problem ahead of them. Finlay (1999) also describes the importance of fairness and how it contributes to the overall credibility of the outcome. Oppenheimer and Pratt (2003) explain the importance of the interpersonal skills of the employer in the WI, as the complainant and the respondent will more than likely be on opposite sides of the issue and will require impartiality and relationship building with both.

5.3 Planning the Workplace Inquiry

In the planning of the WI, determining who and what needs to be included in the scope of the inquiry is the first step. Role definition is key. Role definition needs to occur for the following:

- Who is the lead fact finder?
- Who is the co-fact finder?
- Who is the respondent?
- Who is the complainant?
- Who are the witnesses?
- Who is the decision maker?

In all of the inquiry Circles, the role of supports came up numerous times. For SCCFS, this would mean determining who the supports are for in the process is imperative, including support for either employee or employer. SCCFS's role definition stage can include information about the Knowledge Keeper or Elder, defining their role as either facilitator or support. Clarity at this stage of the process will need to be transparent to ensure that safety within the process can be created and maintained. Ensuring whether the employee felt the safe with the inclusion of the Elder or Knowledge Keeper would have to be determined ahead of time.

Another planning stage within the inquiry for fact finders is determining the scope for what is explored further to be able to decide what happened and what polices were breached. Identifying the documents needed, what policies have been violated and determining what is out of scope for the inquiry will be key to planning a successful WI (Ballard & Easteal, 2018; Oppenheimer & Pratt, 2003; Finlay, 1999; Mitchell & Koen, 2012; and Ferraro, 2006). Ballard and Easteal (2018) discuss the importance of having a trained and qualified fact finder to

ensure the validity of the inquiry. The validity of the inquiry is guided by the fact finder's understanding of the evidence, their impartiality and the perceived perception of conflict of interests.

Employers and fact finders also need to determine and plan for how the complainant and respondent will interact during the inquiry. Some WI complaints may be more sensitive than others and there might be issues of lack of trust, which would need to be considered. Deciding if the respondent should or should not be at the workplace, if they can be trusted to perform their duties or if they can be assigned alternate job responsibilities while the WI is conducted is a consideration for employers (Ballard & Easteal, 2018, p. 181). Whether it is determined that the respondent can or cannot be in the workplace, confidentiality needs to be upheld within the staff group and with the fact finders.

Communication is important in the planning stage as the fact finders will need to be clear with the complainant and respondent on course of action. Staff Circle participants stated numerous times throughout the two Circles that the more they knew about the process, the safer they felt. Clear policies and procedures implemented ahead of a WI, or information provided to the parties involved during a WI, will provide safety for the respondents, complainants and witnesses.

5.4 Conducting the Workplace Inquiry

Of interest, participants in all four Circles focused mainly on the soft skills of the lead fact finder, while the literature was more focused on the hardline procedures that need to be considered while a workplace inquiry is implemented. This section will combine both approaches to identify a process which meets the needs of SCCFS. Participants identified the Circle process to be the most appropriate and meaningful, culturally grounded method for leaders to when addressing SCCFS inquiries.

In a Western-based inquiry process, interviews between all involved parties is standard, with the inquiry team meeting with the complainant, respondent and witnesses individually. Oppenheimer (2003) states that most, if not all, investigations begin with interviewing the complainant. This step allows the inquiry team to identify the scope of the complaint, the key individuals involved and collect the relevant information necessary through proper documentation (Oppenheimer, 2002, p. 88).

Key parts of a workplace inquiry are consistent in the Western literature. Oppenheimer and Pratt (2002) detail the following standard introduction to the process:

- the purpose of the interview;
- the role of the investigator as a neutral party who will be doing fact-finding;
- the relatively informal nature of the interview, including the fact that
- the party or witness may take breaks when he or she needs to; the employer's expectation that employees will cooperate in investigations and provide accurate information to the best of their ability;
- the fact that the investigator has not reached any conclusion and that the investigator's questions should not be interpreted as implying that he or she believes the allegations;
- an explanation of the employer's expectations about confidentiality, including the investigator's commitment to keep the matter as confidential as possible and the interviewee's commitment, during the course of the investigation, not to discuss the matter with anyone who works for the company other than the investigator;
- an explanation of the employer's duty not to retaliate and the interviewee's duty not to retaliate against anyone in any way for participating in the investigation, along with the interviewee's statement that he or she understands this and will comply; and
- an explanation that that the investigator will take notes and may make them into a statement for the interviewee to sign (p. 89).

While a significant factor in conducting a thorough and legal workplace investigation process entails allowing respondents to answer to the allegations (Finlay, 1999), balancing the needs of the fact finder and the inquiry participants requires consideration for the cultural and emotional needs of those involved. Participants in the Circles identified the importance of having an Elder present throughout the process, with their role identified as facilitator or support provider. Depending on the severity of the situation and the comfort of those involved, the Elder's role can fluctuate. Conducting inquiries with everyone in Circle, including, witnesses, complainants and respondents, was the overall vision of the Staff and Community Circle participants/ However, given the literature, appropriateness and safety of those involved, a Circle will not be able to be the standard process for each inquiry. This is more evident in the need to comply with confidentiality of those involved as it is not always necessary for the witnesses to be identified to the complainant and respondent.

The respondent may also not feel comfortable responding to the complaints laid against them in Circle. While participants in the Staff, Leadership and Community Circle mentioned the need for accountability, how to arrive there may need to vary on a case-by-case basis. Legal channels may also be used by employees during or after a WI.

Upon conclusion of the WI, a report will need to be completed that includes the scope of the investigation, the facts found throughout, those interviewed and what recommendations

with and within scope are being recommended. The recommendations within scope of the WI will be directly related to what was found as a result of the interviews, data collection and other research conducted. Recommendations out of scope and not directly related to the scope of the WI may uncover issues or potential issues that may require the employer's attention and intervention (Oppenheimer & Pratt, 2002, p. 127).

Oppenheimer and Pratt (2002) state that this part of the process is when WI fact-finders may determine the breadth of the incident being looked into and identify any information or evidence that is missing. Identifying gaps allows inquiry teams to go back and reinterview participants or seek out the missing information. Oppenheimer (2004) explains that documentation of the WI, through a final report, will explain why one participant was more believable than another, and also why the decisions were made as a result of the inquiry.

5.5 Decision Making

Upon completion of a WI, the WI team needs to examine and analyze the data and determine the outcome, a process that also includes ensuring that what is included in the decision-making process is within the scope of the inquiry. According to the BC Public Service, the decision-maker can be a member of the fact-finding team, or someone neutral outside of the WI team (BC Public Service, 2020). The more severe the outcome, the likelihood the employer may want a third and neutral party to examine the evidence and determine the outcome.

5.5.1 DECISION MAKING RESPONSES

Determining whether the incident or complaint allegations are true is the role of the decision maker, with accountability provided to the respondent. Responses of accountability currently range from a Letter of Expectation to termination, and as will be explained below as per SCCFS Progressive Discipline Policy, it is also a shared progressive discipline process used by the Government of Canada and the BC Public Service:

- Non-Disciplinary Decision Responses
 - Letter of Expectation: SCCFS does not use this in their current policy, however the BC Public Service uses the Letter of Expectation as a tool to provide employees with a letter to refer to job responsibilities and overall performance and conduct expectations (BC Public Service, 2020).
- Verbal Warnings
 - “Actions not meeting required standards; and
 - Approximate number of times conduct has occurred; and

- Suggestions for improvement, including a plan of action for improvement” (SCCFS Policy, 2020, p. 158).
- Disciplinary Decision Responses
 - Written Warnings
 - “Actions not meeting required standards; and
 - Approximate number of times conduct has occurred; and
 - Suggestions for improvement;
 - Deadline for meeting set standards (work plan);
 - Support available to employee to resolve situation;
 - An explanation of action pending if employee's unacceptable behaviour or actions continue” (SCCFS Policy, 2020, p. 158).
 - Suspension
 - “A letter of suspension detailing a clear reason for the suspension, a ruling on whether the suspension will be paid or unpaid leave, and the requirements the employee will need to meet before returning to work.
 - At the end of the suspension, the employee will meet with the Executive Director to discuss her/his ability or willingness to meet the requirements set forth in the suspension letter.
 - Suspended employees will be provided with available assistance to help overcome barriers to improved workplace performance” (SCCFS Policy, 2020, p. 158).
 - Termination
 - “In cases where no positive change has occurred and where the employee has been provided reasonable assistance and time to modify behaviour or actions, and where the employer believes it is reasonable to assume the employee's future behaviour will continue to be unacceptable and contrary to the aims of the SCCFS, the employee will be terminated” (SCCFS Policy, 2020, p. 159).

5.5.2 ROLE OF THE ELDER AND KNOWLEDGE KEEPER

Staff and Community Participants described the need to include the Elder or Knowledge Keeper throughout the process and inviting them to the wrap up meetings as consideration for the cultural needs of the employee. Inviting the Elder to share teachings or ways to move forward is reflective of the gaps of the current SCCFS WI process. Inclusion of an Elder for

mediation purposes is included in the current SCCFS Progressive Discipline Policy, but only at the end during the Appeal Process.

5.5.3 ONGOING SUPERVISION AND SUPPORT

Currently in SCCFS Progressive Discipline policy, there is no recognition for the employees journey through the WI process whether they be the respondent, complainant or witness. Once the decision has been provided to the respondent, it ends the inquiry but begins a process that Circle participants described as important because the need for support and employee growth is ongoing. Participants in the Staff and Community Circle described the need for a wholistic approach to WIs and support for all participants in that journey. Team Leaders and Managers hold that support role within supervision. For respondents, ongoing conversations and accountability measures could provide the employee with the space and opportunity to change their behavior, see the wrong in their actions or allow the supervisor to identify where the gaps are for the employee.

5.6 Summary

Overall, integrating culturally grounded practices into WIs will require employers to ensure their process is clearly defined, planned and implemented. As the literature represents the Western based, legal responsibilities and consequences of a fair and thorough WI, the Circle work represents the decolonization of SCCFS' policies. Considering the emotional, spiritual and mental needs of the WI process was explained to be a significant gap in policy by participants. Braiding both the Western literature and cultural considerations into a new process answers the initial inquiry question and complies with ESA standards.

Focusing on the entirety of a WI, beginning with clear policies, sufficient WI training for Team Leaders and Managers, culturally grounded WIs with ongoing support and supervision, ensures the decolonization of SCCFS policies with WI best practice. The knowledge and wisdom participants offered creates significant perspectives which are missed and not considered in Western-based WI processes. There is also a research gap in terms of the psychological impacts of WIs on respondents, complainants, witnesses and the fact-finders. More research into the negative emotional experiences WIs bring about within the various roles in a WI may provide insight and possible solutions which go beyond the WI process.

6.0 Recommendations

6.1 Introduction

The following recommendations are based on a two-eyed seeing approach to decolonizing WI policies and practices, combining the best of the Western modality of WI with the cultural and spiritual needs identified in the Staff, Leadership and Community Circles.

6.2 Key Recommendations

6.2.1 POLICY REDEVELOPMENT

- SCCFS Leaders and the Board would benefit from policy redevelopment to reflect the knowledge and information collected in this inquiry. Inclusion of an Elder or Knowledge Keeper throughout the process with a clearly defined role would need to be added. Elder involvement should also be clarified, i.e., facilitator, witness, protocol keeper, etc. with each option fully explained.
- Use of Circle is also something participants offered as a practical way to gather information or evidence during a WI. Circles provide a safe and culturally reflective method of sharing and resolving conflict. Integrating Circle practice into current policy will further address the gap in cultural considerations. Along with the use of Circle, including the use of medicines is recommended to support all involved.
- Attention to language is important. Participants in the Community Circle offered the term “workplace inquiry” in place of “investigation.” Introducing this term into policy will reflect the knowledge gained in the Circle work and symbolize a new decolonized practice within the agency.

6.2.2 TRAINING AND ROLE DEFINITION

- Fair and thorough WIs need to be conducted to both meet the legal standard and the cultural needs of participants. Knowledge gained through training opportunities would be beneficial to SCCFS Leaders. SCCFS Leader Circle participants expressed their discomfort or lack of experience in conducting WI, which is a gap training can fill.
- In reflection of the current policy and the roles and responsibilities outlined, a significant amount of power is rested only within the role of Executive Director. It is recommended all leaders within the organization take on more active roles within the process. Identifying Team Leader, Manager and Executive Director roles within WIs will provide wholistic supervision and support for employees. Altering the roles of all leadership while conducting WI within the organization will require specific training. Ensuring either the agency creates WI training or leaders attend outside training will

support leaders in identifying their responsibilities and hopefully make them more comfortable conducting WIs. Fact-Finders and Decision Makers that are clear on their roles and the scope of their responsibility will ensure the legal measures are upheld and clarity provided to staff about the WI. It is assumed that when Fact-Finders are unsure and unclear about their role, this is passed on to the staff and creates the lack of safety and trust in the WI process.

- One option, as outlined in Table 2 for the organization to undertake is identifying their Team Leaders as Fact-Finders and Decision Makers for staff within their respective programs; the Manager role as the Decision Maker for more significant WIs and a Fact-Finder for WIs which include the conduct of the Team Leaders; and the Executive Director as the lead Fact-Finder for WIs regarding conduct of Team Leaders or the Manager. Should the organization take on this recommendation, or a version of it, each new role will have to be implemented into policy and training provided. This version of how WIs are conducted and how decisions are made spreads the responsibility throughout the leadership team and provides opportunities for direct supervisor involvement and investment.

TABLE 2

Roles and Responsibilities in Workplace Inquiries

	Team Leaders or Executive Assistant	Manager	Executive Director
Minor WI Fact-Finder	✓ with another Team Leader		
Major or repeated WI Fact-Finder	✓ with Manager	✓	✓
Decision Maker	✓ for minor WIs	✓ for major or repeated WIs	✓ for major or repeated WIs
Appeals Decision Maker		✓	✓

It is also important to consider the Elder and/or Knowledge Keeper role within this recommendation. While the Elder and/or Knowledge Keeper will not have a role defined above in the WI, their role will be significant. Training and role definition should be offered to the Elder and/or Knowledge Keeper and clear communication to employees about their role in the WI should occur. What was heard time and time again throughout the Circles was the importance of information, communication and transparency, ensuring roles are clearly

defined and all involved know what role they are playing within the WI is important for addressing that concern.

7.0 Concluding Remarks

Integrating culture into workplace inquiries is a new and emerging practice within Indigenous organizations. Workplace inquiries can be used a tool to resolve conflicts, address performance and conduct issues with employees and has been widely used and accepted within Western organizations. Indigenous organizations have adopted Western processes in order to ensure policies are in place which address such organizational issues recognizing that they do not fit within an Indigenous worldview. However, due to a lack of time and reference to what else is possible, these types of changes often get overlooked. There is literature and various resources which provide sufficient information and structure to workplace inquiries, however what is missing is the emotional impact they have on those involved, including the impact on employers. This inquiry was able to identify two major themes, including nine specific topics which employees, leaders and community members believed would culturally enhance workplace inquiries.

Research describing the emotional, spiritual and mental consequences is a gap throughout the examination of the Western models workplace inquiries. Also, there is significant evidence provided with regards to the legal implications for employers, but it does not take into account an Indigenous worldview. This inquiry identified the gaps in the current research and provided initial and specific recommendations for Indigenous organizations to use in the decolonization of their progressive discipline or workplace inquiry policies. While this is a starting point in the research on this topic, the information gathered, the wisdom shared, and the processes used provides other Indigenous organizations with a framework to perform their own Circles for reflecting on how Indigenous culture can be braided into human resource policies.

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Appendices

Appendix 1: SCCFS Progressive Discipline Policy

3.4.5 Progressive Discipline Policy

An employee who breaches a policy of the SCCFS may be subject to disciplinary action, ranging from a verbal warning, written warning and suspension, to termination.

Purpose

1. To maintain a high standard of job performance and conduct.
2. To correct unacceptable behaviour by working with an employee to attempt to resolve a problem without imposing a severe penalty.
3. To outline the disciplinary framework to employees, managers, supervisors and the Executive Director.

Procedures

Conduct Subject To Discipline

The following standards are intended to provide employees with fair notice of what is expected of them. However, such rules cannot identify every type of unacceptable conduct and performance. Employees should be aware that conduct not specifically listed below but which adversely affects, or is otherwise detrimental to the interests of the SCCFS, its employees, contractors, and/or board members, may also result in disciplinary action.

Poor Job Performance

1. Unsatisfactory work quality or quantity;
2. Poor attitude (for example, disrespectfulness, rudeness or lack of cooperation)
3. Excessive absenteeism, tardiness, or abuse of break and lunch privileges;
4. Failure to follow instructions or Society policy and procedures; or
5. Failure to follow established safety regulations.

General Misconduct

1. Dishonesty
2. Theft or unauthorized removal of Society records, Society Property, or the property of other persons including but not limited to, employees, supervisors, visitors, contractors and board members;

3. Misusing or destroying Society property or the property of another on Society premises;
4. Violating conflict of interest rules;
5. General insubordination: including, but not limited to, speaking poorly about the agency, defaming the character of the agency or any of its employees, board members or contractors;
6. Disclosing or using confidential information without authorization;
7. Falsifying or altering Society records including, but not limited to expense claims, reports, auto insurance claims, time records, benefit claims;
8. Interfering with the work performance of others;
9. Altercations (see policy "Work Place Violence");

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10. Harassing, including sexually harassing, employees or visitors.
11. Being under the influence of, possessing or distributing alcohol or illegal or controlled substances on Society property or while conducting Society business.
12. Gambling on Society premises;
13. Sleeping on the job or leaving the job without authorization;
14. Possessing a firearm or other dangerous weapon on Society property or while conducting Society business; or
15. Being convicted of a crime that indicates unfitness for the job or raises a risk to the safety or well-being of children in general, employees, guests, or property; or
16. Failing to report, within five days, any conviction under any criminal code for a violation occurring in the workplace.

The SCCFS has no direct interest in staff members' conduct away from the workplace, except where the employee's actions or behaviour:

1. Harm the SCCFS's reputation or standing in the community.
2. The action renders the employee unable to perform duties satisfactorily.
3. The employee is charged and found guilty of a serious breach of the Criminal Code of

Canada and where such conviction will make it difficult for the SCCFS to meet their obligations or mandates.

Disciplinary Process

In cases where behaviour is not corrected by informal interventions, the penalty will increase proportionally with the seriousness of the misconduct and other relevant factors. This will range from:

1. Verbal warning (first or minor infraction)
2. Written warning(s)
3. Suspension(s)
4. Termination

The nature of the incident may be such that the Executive Director determines it is appropriate to bypass the normal steps of progressive discipline. In cases of serious misconduct, discipline may start and end with termination. As an example, in cases such as resident abuse or theft, the action taken will be termination.

If the Supervisor and/or the Executive Director become aware of an incident or circumstance that is unacceptable but not serious enough to warrant immediate termination, the Executive Director will initiate, at her/his discretion, any intervention, depending on the nature and severity of the incident, and the individuals previous work record.

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Verbal Warning

A verbal warning will include:

1. Actions not meeting required standards; and
2. Approximate number of times conduct has occurred; and
3. Suggestions for improvement, including a plan of action for improvement.

If the employee's actions are such that they require a verbal warning, a meeting will be held between the employee and the assigned designate to determine possible reasons for the behaviour and a review of the standard that has been violated, with the goal of obtaining agreement upon the requirement to follow the standards set forth.

Written Warning

A written warning will include:

1. Actions not meeting required standards; and
2. Approximate number of times conduct has occurred; and
3. Suggestions for improvement;
4. Deadline for meeting set standards (work plan);
5. Support available to employee to resolve situation;
6. An explanation of action pending if employee's unacceptable behaviour or

actions continue.

A date will be set for follow up and the concerns will be reviewed by the Executive Director to determine whether the employee has met minimum performance and/or conduct standards.

Suspension

Where a behaviour continues and it becomes apparent that previous interventions have not been effective, the employee will be suspended.

Temporary suspension may be either *with pay* or *without pay*, for a period of up-to three months, at the discretion of the Executive Director.

If a suspension will be imposed, the employee will be subject to the following:

1. A letter of suspension detailing a clear reason for the suspension, a ruling on whether the suspension will be paid or unpaid leave, and the requirements the employee will need to meet before returning to work.
2. At the end of the suspension, the employee will meet with the Executive Director to discuss her/his ability or willingness to meet the requirements set forth in the suspension letter.
3. Suspended employees will be provided with available assistance to help overcome barriers to improved workplace performance.

If upon return there is no positive change within reasonable timeframe following the employee's suspension, the supervisor and Executive Director will meet to discuss the need to pursue alternative interventions up to and including termination.

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Voluntary Termination

The employer will consider an employee to have voluntarily terminated her/his employment if an employee does any of the following:

1. Elects to resign;
2. Fails to return to work following a suspension;
3. Fails to return to work following an approved leave of absence.

When a regular employee resigns, she/he will give at least fourteen (14) calendar days notice of termination to their supervisor. Supervisors, Managers, and Team Leaders will give at least thirty (30) calendar days notice of termination.

Termination

In cases where no positive change has occurred and where the employee has been provided reasonable assistance and time to modify behaviour or actions, and where the employer believes it is reasonable to assume the employee's future behaviour will continue to be unacceptable and contrary to the aims of the SCCFS, the employee will be terminated.

Furthermore, the SCCFS reserves the right to discharge with or without cause. See Policy 3.6.2 *Termination of Employment*

All disciplinary action will be documented and hand delivered to the employee and a copy placed in a sealed envelope within the employee's personnel file.

Appeals

Employees wishing to appeal disciplinary intervention must submit a written request for an appeal to the Executive Director within two (2) weeks.

1. Where either the complainant or the respondent is not satisfied with the outcome of the investigation, the Executive Director will put the complaint, within thirty (30) days, before a mutually agreed upon, mediator.
2. The mediator shall work with the all parties to achieve a mutually acceptable resolution and if this is not achieved, the mediator shall have the right to:
 - a. Uphold the original decision; or
 - b. Dismiss the complaint; or
 - c. Determine the appropriate level of discipline to be applied; or
 - d. Make further recommendations as are necessary to provide a final and conclusive settlement of the issue.

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A mediator may be any of the following:

1. Another SCCFS supervisor or manager; or
2. SCCFS Elder; or
3. Peacemaking Practices (healing circles, talking circles, etc.,).

Appeals of Termination:

Employees wishing to appeal termination should be aware of the following:

1. The Agency can end the employment relationship at any time. The free will of both parties is recognized by BC courts. In practical terms, what this means is that the Court will not force continued employment between parties.
2. The result of the termination of your employment will depend on whether the Agency had "just cause" for the termination. If the Agency had just cause for the termination, they are entitled to end the employment without notice to you. If the Agency does not have just cause for the termination, they are required to provide you with reasonable notice of the termination. See the policy 3.6.2, *Termination of Employment* for more information .

ⁱ The ESA is the legislation SCCFS relies upon and is responsible to regulate the following:

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- a) “to ensure that employees in British Columbia receive at least basic standards of compensation and conditions of employment;
 - b) to promote the fair treatment of employees and employers;
 - c) to encourage open communication between employers and employees;
 - d) to provide fair and efficient procedures for resolving disputes over the application and interpretation of this Act;
 - e) to foster the development of a productive and efficient labour force that can contribute fully to the prosperity of British Columbia;
 - f) to contribute in assisting employees to meet work and family responsibilities”
 (“BC Laws,” 2019).