

Aligning Human Resources and Conflict Management Services for the Government of Yukon

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Executive Summary

Introduction

The purpose of this research is to determine how Government of Yukon Human Resources (HR) and the Respectful Workplace Office (RWO) can work together in a more coordinated way to address workplace conflict, harassment and disrespectful conduct in the Government of Yukon. Peer-reviewed literature and the experiences of key stakeholders through semi-structured interviews are used to inform the examination of individual and organizational RWO outcomes and their implications for the Office's relationship with HR. Overall, the intent of this project is to assist the RWO to understand the impacts of the Respectful Workplace Policy and to recommend how the RWO and HR can better align conflict management strategies to benefit all employees. In doing so, the research also explores how conflict management mechanisms in public service organizations interact with human resources management processes.

The interview findings demonstrate links between conflict management approaches set out in the Respectful Workplace Policy and process outcomes experienced by employees. Barriers to a more seamless conflict management system within the Yukon government are also identified.

Results show that the RWO and HR employ two different, but not mutually exclusive approaches to conflict management. The analysis highlights both ongoing challenges and emergent opportunities to integrate the RWO system of conflict management with the management approach of HR. Additional concerns include workplace stress and mental health as key areas of focus for HR and the RWO. Finally, opportunities to integrate conflict management resources are discussed and recommendations are provided to present a path forward.

Methodology and Methods

The project methodology consisted of two substantive phases. First a literature review was undertaken to assess peer-reviewed literature relevant to the topic of conflict management and human resource management. The literature review explored conflict management frameworks and systems to show how both theoretically and in practice the goals and assumptions of dispute systems can integrate with conflict management approaches emphasized in the field of strategic human resources. This review informed the interview questions and data analysis, and recommendations provided at the end of the report. Second, semi-structured interviews were conducted in person and by telephone to identify barriers, as well as strengths and opportunities, to improve coordination between the RWO and departmental HR in the Government of Yukon.

Key Findings

Literature Review

The literature review draws on literature in the field of workplace conflict resolution and critical scholarly sources that evaluate the relationship between human resources and conflict management. Designing durable and balanced conflict management systems is an ideal outcome that is now widely championed by practitioners and policy makers. However, implementing conflict management systems and getting

them to work on the ground in organizations is rarely straightforward. Differing goals and assumptions about sources of conflict have implications for the relationship between human resource management strategies and dispute systems in organizations and play a determining role in structuring outcomes for conflict management systems. Strategic human resource management approaches advocate for improved managerial practices and policy-based interventions as ideal solutions to resolve conflict. In contrast, the literature on alternative dispute resolution (ADR) tends to emphasize proactive, interest-based solutions targeting the underlying sources of conflict.

Semi-Structured interviews

The semi-structured interviews undertaken for this report provided an opportunity to gather a range of perspectives from stakeholders internal and external to Yukon government, with experience or involvement in the work of the RWO. Numerous individuals generously volunteered their time and provided rich data in several key areas of interest. Participants included employees, senior leadership, union representatives, and members of the HR community. Input was also received from RWO conflict management practitioners and individuals outside of government with involvement in the development and implementation of the RWO.

The interview findings provided insight into a range of topics concerning the relationship between RWO and human resources. The establishment of the RWO has supported the development of a more constructive approach to handling interpersonal conflict. Respondents suggested that change was made possible in large part by the collaborative approach taken in establishing the new office. Overall, the services available to employees are beneficial. The RWO is recognized as a safe and supportive environment for employees. The majority of interviewees expressed appreciation for the RWO's ability to provide qualified assistance to those interpersonal challenges in the workplace.

Two key collaborative relationships identified by a majority of respondents exist between the RWO and the unions, and between RWO and HR. Union representatives indicated that not all members are satisfied with outcomes achieved through RWO processes. Insufficient communication between the RWO and departmental HR was suggested to have a considerable impact on the success of the RWO processes. Respondents described a variety of other factors that presently affect the relationship between the RWO, and departmental HR. Employees described significant personal and emotional impacts where their conflict was not handled appropriately. Executive leaders and HR practitioners recognized that a failure to manage conflict effectively also carries significant costs for the organization. Conversely, where there is regular interaction between departmental HR, RWO, and the union, cases are more likely to be dealt with appropriately.

Conclusion and Recommendations

Three key areas for further development were highlighted during the interview process. First, effective communication of the role of the RWO, and the work that it does, and the opportunities it offers is key to the acceptance of informal conflict resolution in the Government of Yukon. Second, training was uniformly emphasized as an important means of disseminating information about the RWO and improving the overall coordination between the RWO and departmental HR. Finally, intake and lack of HR referral of employees to the RWO represented one of the sticking points where eligible cases could be prevented from reaching the RWO. The recommendations that conclude the study have been developed to

reflect the data gathered through the literature review, principles established in the conceptual framework, and semi-structured interview data. It is hoped that they will assist the client in determining next steps.

Opportunities to enhance current practice

Recommendation 1: Expand the mandatory training provided by the RWO to promote awareness of conflict management across the organization. This would include multi-day courses for employees, managers, and departmental HR staff including:

- Mandatory awareness training provided to HR practitioners to raise awareness and skill in conflict management within the HR community, promote familiarity with the RWO policy, and provide evidence of benefits provided by RWO interventions an approach
- Dedicated training courses and outreach for Government of Yukon senior leadership to promote stewardship and awareness of the RWO value from the top down
- Mandate regularly scheduled refresher or update training courses for employees who have already received RWO familiarization training to provide a follow-up to initial RWO training and reinforce foundational skills
- Incorporate mandatory RWO familiarization training incorporated into the Government of Yukon's onboarding process for new employees

Recommendation 2: Enrich RWO training for all employees to address present gaps in awareness and understanding of the RWO policy and conflict management skills. Additions to training offerings should include:

- Applying a range of approaches and learning methods including extended role-playing activities around mediations and facilitated conversations that reinforce key concepts in an experiential way
- Outlining learning objectives that encourage and assist employees to practice what they have learned and implement knowledge and skills in the workplace
- Hiring outside facilitators to present additional courses on mediation skills or conflict coaching for managers and senior leadership and increase the frequency and availability of conflict management training available to all employees.

Opportunities for ongoing improvement

Recommendation 3: Extend outreach to HR practitioners with a focus on clarifying expectations, recognize the interdependent nature of RWO and HR roles and responsibilities, due process in investigations, and the role of the HR professional in relation to the RWO Policy.

Recommendation 4: Work with departmental HR to revise and update Standards of Conduct guiding HR Investigations. A revised approach would include the following:

- Establishment of a committee including RWO and departmental HR, along with PSC labour relations, open to all departments to develop a common protocol or procedure to integrate conflict principles with the investigative process.
- Discussion of ethics, power dynamics, and steps to take when the process breaks down.

- Emphasis on renewed commitment to collaboration at all stages of the investigative process and a more integrated approach to the well-being of workers
- Outline of roles and responsibilities that encompasses all levels and kinds of interaction between HR, RWO, PSC and line managers in the workplace
- Explicit recognition of psychological health and safety standards, and the need for a safe environment within the process.

Recommendation 5: Develop an integrated interest-based communications strategy and improve internal (Yukonnect) and external (public) RWO websites. The RWO website should be revised and updated to provide details about the services that it offers and provide specific evidence of internal organizational improvements or benefits attributable to the RWO:

- Arrange resources for employees in a ‘one window’ format, that explains how HR processes and procedures fit in with services offered by the Respectful Workplace Office.

Provide testimonial or examples of successful case work outcomes to better ‘tell the story’ of the RWO

- Develop visual or workflow diagrams to depict intake and referral to the RWO for employees to map out available RWO resources and options available to individuals requiring assistance.

Opportunities for long-term transformational change

Recommendation 6: Re-engage with Government of Yukon senior executive leaders on an annual basis to discuss the ongoing sustainability of the RWO and strengthen organization-wide strategies that support ongoing change in the culture around conflict in the public service.

Recommendation 7: Celebrate and acknowledge successful collaboration between RWO, YEU, YTA, and departmental HR, upholding these examples to provide inspiration for future change.

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1.0 Introduction

1.1 Overview

In 2013, the Government of Yukon established the Respectful Workplace Office (RWO) to provide conflict management for Yukon public service employees. The RWO is responsible for implementing the Respectful Workplace Policy (GAM V.3.4.7, 2015) and advocates for approaches to conflict based on principles of interest-based conflict resolution. The RWO policy and processes are one element of a greater system context that encompasses a range of processes including performance and disability management within the Government of Yukon. The RWO policy, which applies to all persons hired under the *Yukon Public Service Act* and *Yukon Education Act*, outlines guiding principles and associated procedures and sets out the processes for managing conflict and addressing disrespectful conduct in the workplace. However, the conflict management work undertaken by the RWO is connected to other systems and processes including departmental Human Resources (HR). Under the policy, coordination between the RWO and departmental HR is essential for the establishment of fair processes to handle harassment and disrespect in the workplace.

Both the RWO and HR have important roles to play in the collaborative governance process set out under the RWO policy. The overall success of the RWO policy depends on consistent uptake across all parts of government and collaborative relationships between numerous stakeholders. However, differences exist in the approach and philosophy of the RWO and HR. The overall goal of HR is to support the development of a high-performance public service. The primary role of HR is to provide advice, guidance, and in some instances, direction to managers and supervisors in the day-to-day management of their Human Resource. HR teams work within each department in the Government of Yukon. In contrast, the RWO is a branch within the Public Service Commission (PSC) and has a mandate to assist all employees at all levels of the organization in addressing harassment disrespectful behaviour and interpersonal conflict and maintain a healthy, well-functioning workplace. This project was undertaken to determine how the RWO and HR could coordinate successfully to sustain and improve the delivery services under the RWO policy.

Overall, four major topic areas were derived from the semi-structured interview findings: collaboration under the RWO Policy, barriers to conflict management, potential improvements to RWO practice, and the impacts of the RWO policy. Data gathered during the interview phase of the project shows that the RWO and HR do approach conflict differently. In some cases, HR dealt with employee complaints through an investigative or procedural approach where options that are more informal could have resulted in quicker, less costly resolutions. The RWO would like to improve their understanding of any inconsistencies that exist between services they offer, and approaches to employee conflict taken by the Yukon government HR community.

1.2 Objectives

This project explores the impacts of differing approaches to handling conflict and the health and well-being of employees. The purpose of this research is to determine how HR and the RWO can work together in a more coordinated way to address conflict in the Government of Yukon. The research consists of an examination of peer-reviewed literature and the experiences of key stakeholders through

semi-structured interviews. The research addresses individual and organizational RWO outcomes and their implications for the Office's relationship with HR. The intent of this project is to recommend how the RWO and HR can better align conflict management strategies to benefit all employees. In doing so, the research also explores how conflict management mechanisms in public service organizations interact with human resources management processes.

The data collection for this project comprised two major components. First, a literature review was undertaken to assess scholarly literature relevant to the topic of conflict management and human resources. Second, semi-structured interviews were conducted to gain the perspective of individuals inside and outside of government involved with the RWO. A discussion of the interview findings describes links between conflict management approaches set out in the RWO Policy and outcomes for employees. Barriers to a more seamless conflict management system within the Yukon government are also identified.

Results show that the RWO and HR employ two distinctly different ways of managing conflict. The analysis highlights both ongoing challenges and emergent opportunities to integrate the RWO system of conflict management with the management approach of HR. Finally, opportunities to further use of appropriate conflict resolution resources are discussed and recommendations are provided to present a path forward.

1.3 Project Client

The client for this project is the Yukon government's Respectful Workplace Office. The RWO is responsible for the implementation of the Respectful Workplace Policy, which highlights the importance of early intervention and restorative and collaborative approaches to managing workplace conflict and disrespectful conduct (GAM V.3.4.7, 2015, p.2). The policy states that all employees share collective responsibility for creating a respectful workplace (GAM 3.4.7, 2015, p.2), and promotes collaboration and the restoration of workplace relationships in an effort to improve management of conflict and disrespectful behaviour. Under this mandate, the RWO provides a range of conflict management tools to both individuals and workplaces within the public service.

The RWO supports a full spectrum of conflict resolution services from conflict coaching, facilitated discussions, and employee mediation to larger scale workplace assessments, employee workshops, and restorative practices. The RWO is led by the Director who reports to the Yukon Public Service Commissioner and is supported by a steering committee with representatives from the Yukon Employee's Union (YEU), Yukon Teacher's Association (YTA), the Aboriginal Employees' Forum (AEF), human resources, and deputy ministers from several departments. My primary client contacts from the RWO are RWO Director Cheryl McLean, and Conflict Management Practitioner, Joie Qarton.

1.4 Background

In 2012, the Yukon Public Service Commission conducted a review of the Yukon government's Harassment Prevention Office (HPO) and Workplace Harassment Prevention and Resolution Policy 3.47. During the review process conducted by Catherine Holt of Sage Group Management Consultants, interviews were conducted with HPO staff, human resources, employees, and representatives from both of the Yukon's major public service unions. The report resulting from the review determined that the formal

investigations employed by the HPO at the time was not achieving the purpose of the harassment prevention policy because none of the complaints under review were determined to have been successfully resolved. Further, it was found that the investigative process exacerbated the experience of workplace harassment and actually magnified its consequences for employees.

Upon assessment of the review's outcomes, the Public Service Commissioner determined that the formal investigative process needed to be fully replaced. Subsequently, the decision was made to reconfigure the HPO and adopt a new approach to responding to concerns around disrespectful conduct. This meant revising the content of the Harassment Prevention Policy and setting up a new system for addressing complaints. The Public Service Commissioner followed the key recommendations of the Holt Report by adopting a new approach based on principles of Alternative Dispute Resolution (ADR). The new approach was intended to promote a move away from a rule, or rights-based approach to an interest-based approach to handling complaints. Another key recommendation was that the new process be integrated, so that there would be a continuum of formal and informal processes to resolve harassment complaints or workplace conflicts. This approach mandated that the new system would provide a range of escalating ADR interventions and use investigation for the purposes of adjudication or arbitration in only the most serious or intractable cases.

Between 2012 and 2013, the former Harassment Prevention Policy was revised, updated, and renamed the Respectful Workplace Policy (GAM 3.47). External consultants were contracted to provide support to the Public Service Commission and assist in setting up the new Respectful Workplace Office and developing the Respectful Workplace Policy. Consultants also assisted in the training of conflict management practitioners to staff the new office and worked with client employees to address outstanding complex cases that were formerly the responsibility of the HPO.

The RWO Policy development process included extensive consultation throughout the Government of Yukon. Key stakeholders included Deputy Ministers and Assistant Deputy Ministers from all departments, the Human Resource community, and government employees. The development process also involved soliciting support and input from the Yukon Employees Union (YEU), Yukon Teachers Association (YTA) and the Aboriginal Employees Forum (AEF). Under the new process, the unions made a significant concession, by giving up the right to grieve complaints related to harassment and disrespectful conduct. This meant that all harassment or disrespectful conduct related complaints would be dealt with under the RWO Policy and process, instead of being subject to grievance processes laid out in the Collective Agreement.

1.5 Overview of the Respectful Workplace Office

The Respectful Workplace Office is a Branch of the PSC, established in conjunction with the RWO Policy to support employees and workplaces engagement in conflict management. In implementing principles outlined in the Policy, the RWO acts as a key resource to assist employees and managers to address conflict, harassment, and disrespectful conduct in the workplace.

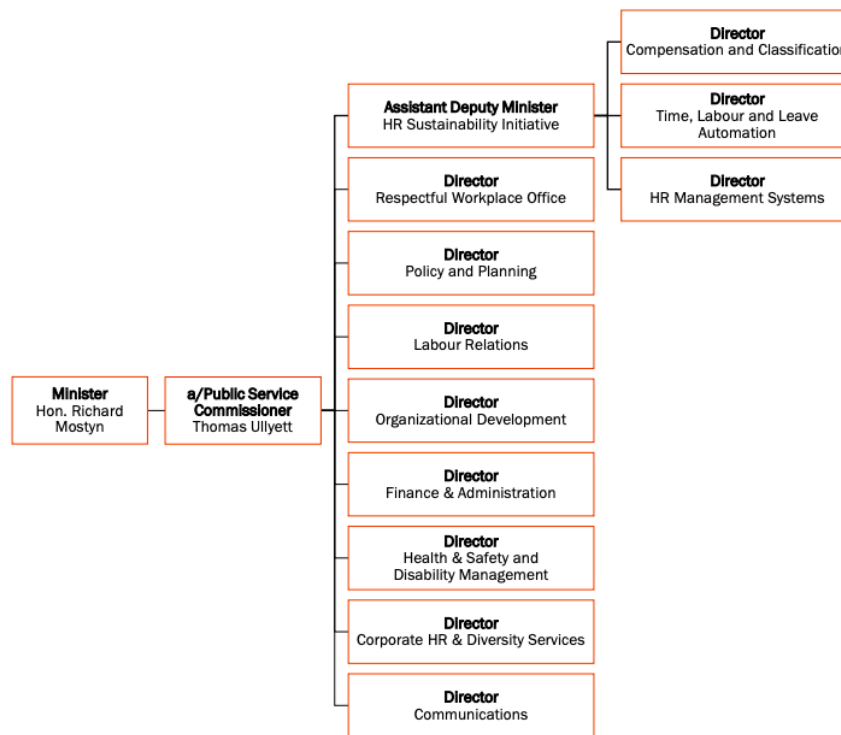


FIGURE 1 THE ORGANIZATIONAL STRUCTURE OF THE PUBLIC SERVICE COMMISSION (C. MARCH 31, 2017), REPRODUCED FROM GOVERNMENT OF YUKON (2017)

The RWO Director, guided by the RWO policy, directs the government’s overall approach to conflict management. While the RWO is the primary point of contact for employees, other parts of government also have roles and responsibilities in managing conflict within the organization under the RWO Policy. This section provides background information about the Respectful Workplace Office and its counterpart organizations in government.

1.5.1 THE RWO POLICY

The RWO policy is also part of the *Collective Agreement Between Government of Yukon and the Public Service Alliance of Canada*. The Collective Agreement was made between the Government of Yukon, government employees, and the Public Service Alliance of Canada, and sets the terms and conditions of employment for the Yukon public service. Article 6 of the Collective Agreement formally incorporates the RWO policy, and mandates that complaints related to harassment and disrespectful conduct are referred to the RWO, exempting them from the Grievance Procedure. A union representative appointed by the Union is also a member of the RWO Steering Committee.

Each party subject to the Collective Agreement is required to co-operate fully with investigations into disrespectful conduct and refrain from interference while an investigation is under way. The Collective Agreement acknowledges that the Government of Yukon, government employees, and the Public Service Alliance of Canada all recognize that employees have a right to work in an environment free from sexual harassment and disrespectful conduct. The Collective Agreement affirms that employees have the right seek assistance from the RWO which is responsible for providing support to employees through the conflict resolution interventions outlined in the Respectful Workplace Policy.

The alternative dispute resolution principles described in the RWO Policy comprise the following elements: confidentiality, participation, timeliness, and constructiveness (GAM V.3.4.7). As well as the operational, or process principles stated in the Policy, the RWO's approach is based on a set of principles that include respectful dialogue, inclusion, and support for individuals to learn and practice personal conflict resolution. Most importantly, the RWO emphasizes early consultation and involvement of affected stakeholders, self-determination and voluntary participation, flexible process design, and confidentiality for all participants. As seen in Figure 2 the RWO provides resources and conflict management processes across a spectrum of interventions that assist employees in conflict to address issues constructively in a safe and confidential environment. The RWO employs numerous methods and approaches that range from conflict coaching to structured group facilitation processes. In instances where alleged behaviour is serious enough to merit disciplinary measures, an external investigator may be authorised to investigate on behalf of the RWO.

Informal	Appropriate Dispute Resolution consultation—allows for an initial and informal exploration of an employee's situation and private discussion of potential options.
	Conflict coaching—a structured process that consists of several private and confidential sessions that allows clients to develop their skills and improve handling of actual or potential conflicts
	Facilitation—a neutral third party facilitates a dialogue between two employees, or within a work team. Facilitation is similar to mediation but not as structured, allowing conversations to occur without producing formal agreements.
	Mediation—a process involving a neutral third party who assists parties in finding a mutually acceptable solution to their issues. Mediators help to frame issues, explore interests, and create a shared understanding between parties.
	Group facilitations or circle processes—collaborative processes involving multiple parties, including group and tailored interventions, that help to reveal underlying conflict issues through a workplace assessment followed by appropriate dispute resolution processes.
Formal	Investigations by external investigators—formal process for requests for assistance that involve concerns about disrespectful conduct that could lead to severe disciplinary measures where an external investigator is appointed by the Respectful workplace Office Director.

FIGURE 2 TABLE DEPICTING AVAILABLE RWO CONFLICT RESOLUTION INTERVENTIONS

Conflict management interventions are provided to any employee who requires assistance. This includes assessment of complaints and any disrespectful conduct that may have occurred in the workplace.

1.5.2 RWO COMPLAINT HANDLING PROCESS

In the typical scenario, an employee's first responsibility is to attempt to address a workplace issue on their own, or with the assistance of their manager or supervisor within the workplace. If these efforts do not succeed, employees are encouraged to contact the RWO. Requests for Assistance can be made over the phone or through emailing, or by using the Request for Assistance Form found online. YEU, YTA, the Aboriginal Employees' Forum, and Human Resource advisors can all help an employee make a request to the RWO.

When the RWO receives a request for assistance, staff assess the employees concerns and decide what assistance to provide based on the circumstances. If the request for assistance requires RWO intervention,

an appropriate response to the issue is worked out through contact with the employee and consultation with other parties including departmental HR and union representatives.

The process for complaint handling under the RWO policy is depicted in Appendix 3.

1.5.3 ROLES AND RESPONSIBILITIES UNDER THE RWO POLICY

The RWO policy makes up one part of a greater system of conflict management that includes the PSC, departmental human resources, and Yukon government's employee unions. Each stakeholder retains different responsibilities under the policy that informs their respective roles in the conflict management system. Finally, employees, management, and senior leadership have a responsibility to ensure that respectful conduct is demonstrated in every workplace.

EMPLOYEES AND MANAGERS

Employee and management have an obligation to ensure that their personal conduct, and the conduct of their colleagues meets the standards outlined in the RWO policy. This means recognizing conflict as a natural part of the work environment, taking ownership of workplace conflict and disrespectful conduct issues, and working collaboratively with HR staff, the RWO or others to resolve those issues.

THE PUBLIC SERVICE COMMISSION

The Public Service Commission (PSC) is responsible for the corporate leadership of the development, maintenance, and administration the Yukon public service (PSC, 2018). The PSC establishes and maintains human resource policies and legislation and provides central agency support functions to departmental human resources in all government departments. The Public Service Commissioner is responsible for chairing the Respectful Workplace Steering Committee and implementing the RWO policy. The Director of the Respectful Workplace Office reports directly to the Public Service Commissioner and is responsible for managing the RWO and coordinating the implementation of its services.

DEPARTMENTAL HUMAN RESOURCES

At the departmental level, HR in the Yukon government is decentralized. Each department within Yukon government has its own team of HR staff who work directly with the employees of their respective departments. Departmental human resources exist within each department but receive overall corporate policy direction and support from the PSC. The role of departmental human resources is to provide guidance and direction to managers and supervisors and support the day to day management of employees.

HR practitioners within each department are responsible for advising executives, management, and employees on the application of the RWO policy by their respective departments. This includes identifying and resolving workplace conflict and dealing constructively with disrespectful conduct. Under the RWO policy, HR practitioners are responsible for consulting with the RWO, when necessary, about appropriate intervention strategies and processes and work to design and implement intervention processes (GAM 3.47, 2015, p.15). Human resources also work with the Respectful Workplace Office in determining appropriate communication with the workplace following an intervention and reporting non-compliance concerns to their deputy heads.

UNIONS – YUKON EMPLOYEES UNION AND YUKON TEACHERS ASSOCIATION

Unions for Yukon public service workers represent the interests of Yukon public service employees. The YEU, YTA, and AEF are the primary union and employee representation organizations for Yukon government employees. Union responsibilities under the Respectful Workplace Policy include ensuring that members' rights under the collective agreement are protected and providing advice, support, and assistance to union members.

Union representatives are responsible for coordinating with the RWO to develop appropriate communications within the workplace if the RWO initiates an investigation into allegations of disrespectful conduct. Union staff also assist in directing employees who require assistance to the RWO on a case-by-case basis. The unions also collaborate with the RWO and HR community through participation on the RWO Steering Committee to provide input on processes to resolve workplace conflict and correct disrespectful conduct.

1.6 The Respectful Workplace Policy as Collaborative Governance

The conflict management system that is set out under the RWO policy is reflective of a model for collaborative governance proposed by Emerson et. al (2012). The concept of collaborative governance is defined as “the processes and structures of public policy decision making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose” (2012, p.2). This definition of governance is broader than may conventional definitions and captures a spectrum of “multipartner governance,” initiatives which could include partnerships between the public sector, private sector, civil society, or local communities and is meant to enable the study of collaborative governance “writ large” across different settings (Emerson et al., 2012, p.2). This research mobilizes the concept of collaborative governance to capture the interrelationships created through the RWO policy, which calls for collaboration amongst numerous branches and departments within Yukon government, individual employees and managers and union organizations outside of the public service.

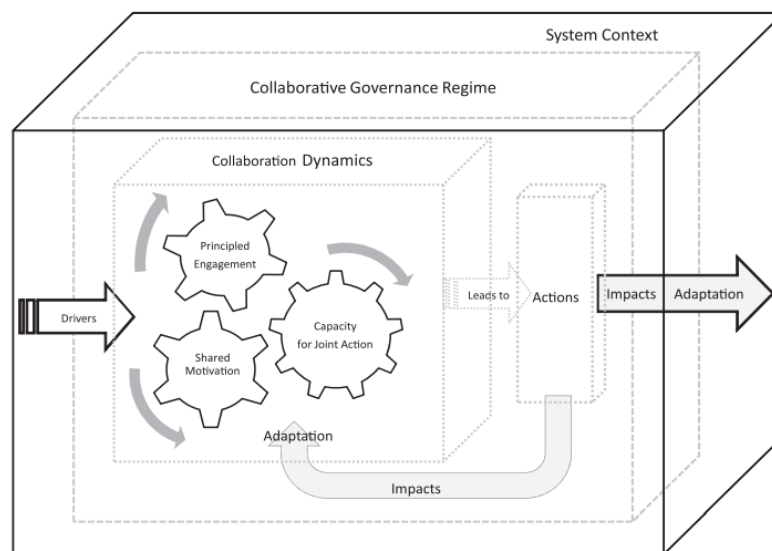


FIGURE 3 THE INTEGRATIVE FRAMEWORK FOR COLLABORATIVE GOVERNANCE REPRODUCED FROM EMERSON ET AL. (2012)

The integrative framework is depicted above as a set of three overlapping dimensions that represent the general system context, the collaborative governance regime or CGR, and the collaborative dynamics and actions that contribute to outcomes that lead to outcomes within and outside of the regime. The overall system context generates opportunities and constraints that can influence the dynamics of collaboration within a governance regime over time. For the purposes of this research, the RWO policy and process that has been put into place represents a collaborative governance regime that has been implemented within the system context of the Government of Yukon. The term regime connotes the system for decision making in which “collaboration is the most prevalent pattern of behaviour or activity,” (Emerson et al., 2012), which aligns with the collaborative imperative set out in the RWO policy.

1.6.1 DRIVERS AND COLLABORATIVE DYNAMICS

In addition to the contextual elements that, the framework recognizes essential drivers that are necessary for collaboration to be initiated (Emerson et al., 2012, p.9). The more drivers that are in place prior to the beginning of a process, and recognized by participants, the more likely a CGR is to succeed. The four key drivers include leadership, consequential incentives, interdependence, and uncertainty.

- **Leadership**—is the necessity of a designated leader able to initiate and acquire the resources necessary to support a CGR.
- **Consequential incentives**—can be either internal (problems, resource needs, interests, or opportunities) or external (situational or institutional crises, threats, or opportunities) drivers for collaborative action. These elements or incentives are important because a lack of awareness of the concerns that are important to participants, the inopportune timing or pressure to find a solution, or a lack of incentives for action on a given issue can negatively affect the outcome of collaborative processes.
- **Interdependence**—a circumstance where the actions of individuals or organizations alone cannot develop or achieve solutions to a problem, is a necessary precursor to successful collaborative governance schemes
- **Uncertainty**—where uncertainties cannot be resolved internally, groups can be compelled to collaborate in to reduce, diffuse, and share risk. If a party was perfectly aware of all of the facts in a given situation—the scope of a problem and its ideal solution—they would be able to resolve an issue independently. As long as this is not the case, balancing interests or managing risk must be handled collectively.

Collaborative dynamics, which appear within the innermost box above bounded by a dotted line, shape the overall quality and effectiveness of a collaborative governance regime and are engaged once a CGR has been initiated. Interactions between the components of collaborative dynamics help to define the overall quality and effectiveness of a governance regime the three main collaborative dynamics identified by the framework are: principled engagement; shared motivation; and the capacity for joint action. Actions taken through the collaborative governance lead to outcomes and impacts both inside and external to the regime, or on the ground results and potential adaptations that may contribute to changes to the system over time.

The integrative nature of the framework is intended to predict the ideal factors that lead to collaboration, and the characteristics of an effective, or successful collaborative governance system (Nabatchi et al., 2012, p.8). The literature review and interview findings contained below explore barriers to conflict

management, achievements of the RWO policy, the collaborative dynamics at work in the relationship between RWO and departmental HR, as well as under the RWO policy more generally. Efforts to highlight drivers that may encourage or facilitate collaborative action— leadership, consequential incentives, interdependence, and uncertainty is a focus of this research. The recommendations that conclude the report are intended to help renew shared perspective on approaches to conflict resolution and enable reflection on the progress and outcomes of the RWO policy to date.

1.7 Research Questions and Project Objectives

This study employs qualitative research methods, analyzing a variety of data to provide varied perspectives on the relationship between the RWO and departmental HR. The primary research question for this project is:

- How can HR and the RWO work together better to address employment conflict in the Government of Yukon?

Secondary research questions include:

1. What is the current state of collaboration between stakeholders around the RWO policy?
2. What are the barriers to a more seamless conflict management system within the Government of Yukon?
3. What potential improvements can be made to sustain the conflict management system run by RWO?
4. What are the impacts of the conflict management system developed under the RWO policy since implementation?

The proposed research is intended to assist the RWO to understand the impacts of the RWO Policy in several ways. The importance of the research is that it will:

- Suggest how the RWO and HR can better align conflict management practices to benefit employees and managers.
- Explore how conflict management mechanisms in public service organizations interact with human resources management processes.
- Describe links between conflict management approaches set out in the RWO Policy and outcomes for employees.

1.8 Deliverables

This project is intended to provide the client with information about the effectiveness of conflict management within the Yukon government. The research outcomes will also provide contextual information relevant to the RWO's five-year summative evaluation which was initiated in the fall of 2018. The deliverables to the client for this research project consist of:

- A literature review summarizing academic sources comparing conflict resolution and strategic human resources approaches to conflict resolution.

- A summary and analysis of consultations conducted with interview participants highlighting challenges and opportunities in conflict management and Human resources functions of the Yukon public service.
- Recommendations derived from data analysis and interviews to suggest ways for the client to address the problem explored in the research.

1.9 Report Organization

The report begins with a literature review contrasts strategic human resources and conflict resolution approaches to workplace conflict. The next section presents a description of the research methodology for the semi-interviews and data analysis for the primary findings of the report. The fourth section summarizes the research findings and results of interviews with Government of Yukon employees, senior executives, HR practitioners and union representatives. The fifth section of the report contains a discussion of findings from the semi-structured interviews. The sixth and final section of the report concludes the report with recommendations to ensure the ongoing success of the RWO.

2.0 Literature Review

2.1 Introduction

The intent of this literature review was to inform the data analysis and recommendations provided at the end of the report and guide the questions that developed out of the interview process. The focus of the literature review was to compare the distinct features of interest-based Alternative Dispute Resolution (ADR) and human resource management (HRM) approaches to conflict management. ADR conflict resolution perspectives emphasize a range of interventions that focus on individual interests. In contrast, an HRM approach emphasizes people-management policies that seek to mutualize relationships between managers and employees and minimize conflict often via organizational policy and procedure. In both the literature around workplace conflict management, and real-world contexts, however, the two fields often intersect. Given the different stance taken in each field, it is helpful to assess the similarities and differences that exist across both disciplines.

The initial section provides an overview of interest-based conflict resolution and reviews the emergence of the discipline and methodological development of dispute systems design or DSD. Second, a brief overview of the HRM field and perspectives on conflict resolution are discussed to illustrate how differences in ADR and HRM approaches to conflict resolution affect the implementation of dispute systems in organizations. The literature review concludes with a brief discussion of findings and their implications for the present study and highlights key issues and considerations that were applied in the development of interview questions and concluding analysis.

2.2 ADR Developments and HR

According to Rowe and Bendersky (2003), over time, ADR literature on organizational conflict has shifted its focus from conflicts between individuals and rights-based grievance procedures, to an interest-based approach and an emphasis on integrated systems involving a spectrum of interest and rights-based interventions (2003, p. 120). Colvin (2012), states that there has been a significant expansion of the use of ADR mechanisms in the field of workplace conflict management associated with a shift from individual rights-based employment relations. Others have noted a similar increase in the use and popularity of interest-based workplace interventions like mediation (Bollen & Euwema, 2013).

Several key concepts distinguish ADR from HRM both in terms process and outcomes. The goal of ADR based conflict management interventions is to decrease the overall cost of conflict in organizations employing rights-based practices like arbitration and litigation (Gosline et al., 2001, p. 9) and instead focus on the interests of parties (Ury & Fischer. 1981). Typical ADR procedures make up a continuum ranging from informal self-help processes that emphasize disputant autonomy to more structured processes like arbitration that are more formal and linear and may focus on resolutions based on legal rights and imposed decision making (Erickson et al., 2012, p.2-3). ADR processes emphasize interests and tend to promote less rights-based processes or options, to support win-win, not win-lose (integrative not distributive) outcomes facilitating joint gains that help parties in conflict to overcome challenges in flexible, creative ways (Erickson et al., 2012, p.3). The fundamental purpose or characteristic of conflict management systems is to leverage interventions that balance the interests (hopes, fears, or concerns) versus the rights of all parties in conflict to provide fair, durable resolutions. The foundations to this approach were laid by the seminal work of Ury, Brett, and Goldberg (1988), whose book *Getting*

Disputes Resolved: Designing Systems to Cut the Costs of Conflict introduced the concept of aligning interest-based practices into integrated systems for conflict resolution.

As the field developed, the use of dispute resolution systems was intended to reduce the costs of relying on the justice system to resolve conflicts by institutionalizing ADR approaches within an organization. For Colvin (2012), a striking characteristic of this transition is the “diversity in incidence, structure, and effectiveness of these [conflict resolution] mechanisms” (Colvin, 2012, p. 473). Systems thinking in conflict management has grown to include labour relations and human resource management perspectives on workplace conflict and is associated with a suite of approaches that present an alternative to adversarial grievance and litigation-based interventions (Roche et al., 2014).

The dispute systems design, or DSD approach to organizational conflict further developed the concept of conflict management systems based on a spectrum of interest and rights-based interventions (Costantino & Sickles Merchant, 1996; Rowe, 1997; Lipsky, Seeber, & Fincher, 2003). Constantino and Merchant sought to improve on the framework developed by Ury et al., by integrating elements of organizational development (OD) theory and systems thinking. This work introduced an approach to designing systems through extensive stakeholder engagement that supported development of a multistage model for conflict resolution, the integrated conflict management system, or ICMS (Costantino & Merchant, 1996). In an ICMS, conflict management interventions are proactive and iterative, apply low cost interest-based options, arranges processes in low to high cost sequence, and provides “loop backs” that allow participants to return to low cost interest-based methods on a recurring basis (Amsler, Martinez, & Smith, 2015, p. S12). Overall, the original interest-based model, and the ICMS approach to conflict management system function and design, have formed the basis for the use of DSD in organizations up to the present day. Dispute systems design and ADR-based conflict management processes, initiatives, and systems are now commonly embedded in both union and non-union, and public and private sector work environments.

Increased interest in ADR conflict resolution and the institutionalization of ADR mechanisms into organizations has resulted in wide ranging innovations in grievance handling processes for individual employees, work groups, and collective bargaining. As Roche et al. (2014) point out, the development of conflict management processes in organizations varies widely at a national and global level, and are closely intertwined with a broad range of legal and institutional traditions. Constantino (2009) identified a number of emerging issues faced by conflict resolution practitioners at the advent of a “second generation” of DSD. One of the key process issues discussed is the challenge of creating a good fit between conflict management systems and the other processes and initiatives that may exist as part of an overall model for organizational management. As Constantino (2009) points out a conflict management system may make up “but one modality in an ocean of initiatives” all meant to support employees and manage conflict (p.86). In an organization where multiple processes overlap, complement, or constrain one another, the effectiveness of a system of conflict resolution mechanisms may detract from overall conflict management outcomes (2009, p.87). Significantly, the shift from a rights-based paradigm to an interest-based approach aligns with the rise of strategic approaches to human resource management (Currie et al., 2017, p. 497). However, fundamental differences exist between ADR conflict resolution and strategic human resources approaches that can impact the quality of services provided to employees. In the next section, these key differences will be explored.

2.3 Strategic Human Resource Management

In both public and private sector organizations, strategic human resources management (HRM) has exerted growing influence on workplace conflict management. Trade unions have long played a key role in employment conflict. However, as Saundry (2016) states, rapid decline in “the incidence of collective expressions of industrial conflict across developed economies” has become a defining feature of modern employment relations. Currie et al. (2017) argue that since the 1980s, approaches to resolving workplace conflict have shifted away from an emphasis on unionized representation that relied on a collective approach to handling conflict. In the United States, Colvin (2012) describes how the emergence of new forms of individually based employment rights relations de-emphasize power in the employment relationship (Colvin, 2012, pp. 472–473). Formal grievance procedures that have traditionally relied on union representation to balance power between employee and employer, ensure procedural fairness, and help prevent conflict are now less prominent (Currie et al. 2017, p. 494).

The advent of the ‘strategic’ approach to human resource management has contributed to a significant re-envisioning of the way that personnel managers understand conflict in the workplace. Human resource policies are the formal rules and guidelines that organizations use to manage hiring, training, assessing, and rewarding employees (O’Riordan, 2017, p.5). Contemporary approaches to human resource management emphasize an advisory or, strategic role for human resource professionals (Storey, 1992; Ulrich, 1997; Ulrich & Brockbank, 2005). Strategic human resource management involves a strategic partnership role for human resources practitioners that promotes the alignment of personnel management functions with the overall strategic goals of the organization (Ulrich, 1997, p. 25). This has created a role for HR professionals as a ‘champion’ of competitiveness (a value taken up by the organization), rather than as mere managers of the administrative function required to manage the employment relationship (Caldwell 2003, p.1002). Contemporary human resource practitioners provide advice to management and implement human resource policies and procedures to improve employee performance and thus contribute to the strategic goals of the organization (CIPD, 2018). Within organizations that have adopted high-commitment HRM practices, the role of the HR manager is to provide employees with motivation, induce effort, and promote preferred employee behaviors to the benefit of entire organization (McClean & Collins, 2011, p. 342). This new role has a variety of implications for conflict management processes in organizations that will be explored below.

2.3.1 DEVOLUTION OF CONFLICT HANDLING TO LINE MANAGEMENT

The literature directly considering the relationship between strategic human resource management and conflict resolution is scarce. However, a few studies have assessed how human resource practitioners interact and shape the outcomes of conflict resolution processes, illustrating the implications of changing approaches to workplace conflict resolution. The strategic human resource management approach has been linked to negative perceptions of conflict and increased emphasis on the role of line management in taking greater conflict handling responsibility ‘on the ground’ within organizations (Cunningham & Hyman, 1999; Jones & Saundry, 2011; Mahony & Klaas, 2014).

Such approaches place an onus on individual employees to raise issues with management, who are in turn advised by human resource practitioners who provide institutional or procedural expertise to assist in remedying employment conflict. Benson (2012) observes that a shift towards stricter or ‘harder’ HRM practices can lead to increased dependency on procedural, rights-based conflict management processes.

The introduction of a “harder and more management-dominated HRM system” has potential to precipitate an overall decline in internal mechanisms for employee participation and decision making and cause workers to rely more heavily on legislative provisions and rights-based grievance procedures to resolve employment conflict (Benson, 2012, p. 522).

Striking a balance between informal approaches to conflict and procedural observance presents numerous challenges for HR practitioners and managers. One of the key outcomes of increased up take of the strategic re-orientation of human resource management approach has been the devolution of responsibility for day-to-day personnel management functions from human resource personnel to line managers (Hall & Torrington, 1998; Whittaker & Marchington, 2003). Increasingly, HR managers are called upon to ‘partner’ with line management, providing specialist personnel management expertise at arm’s length from the operational or program areas within an organization (Caldwell, 2003; Pritchard, 2010). In the advisory role, HR practitioners provide technical expertise relating to ‘best practice’ procedures thought to contribute to high performance work practices and thereby reduce incidents of negative conflict (Gilmore & Williams, 2007, p. 407). This approach has the potential to emphasize procedural compliance to the exclusion of the psychogenic or emotional dimension of the work relationship and can result in an unnecessarily adversarial or adjudicative approach to resolving workplace issues.

Jones and Saundry (2011) report that while devolution of conflict handling responsibility to line management has placed greater decision-making responsibilities on line managers, HR professionals still have a role in sharing advice and expertise. As a result, tension exists between the responsibility of HR practitioners to ensure procedural regularity and policy compliance, and manager’s preferences for informal resolutions (Jones & Saundry, 2011, p.252). Jones and Saundry (2016) point out that in the UK, where the responsibility for conflict management has devolved, line managers may become dependent on HR for support in addressing conflict. In some cases, managers with poor conflict management skills lack confidence to enforce appropriate standards of behavior among their employees (Jones & Saundry, 2016, p. 121). HR involvement in the formalization of workplace conflict handling is also associated with the desire to stick to established policies and ensure consistent treatment of employees across the organization (Jones & Saundry, 2016, p. 106). Consequently, a tendency towards HR personnel taking on the role of the legal and procedural ‘expert’ is associated with process compliance and a desire to ensure consistency in employee treatment across organizations (Cole, 2007, p. 115). This in turn may lead to considerable emphasis placed on adherence to organizational policies and procedures instead of more proactive or informal means of handling conflict.

2.3.2 CONFLICT OF INTEREST

When HR simultaneously represents the interests of employees and employers, conflict of interest can jeopardize the integrity of conflict resolution interventions, and workplace justice. Van Gramberg and Teicher (2006) point out that ethical decision-making for HR practitioners in conflict management situations is challenged by a lack of neutrality. While HR staff are viewed on the one hand as being responsible for employee welfare, they are also called upon to represent the overall best interests of an organization. The tension produced by this conflict of interest may create a power imbalance that raises ethical questions about the role played by HR in employment conflict (2006, p. 198). Intervention by HR personnel in an employment conflict may be viewed as a threat by employees and management and potentially disrupt or inhibit process for managing the conflict. Where employees are uncomfortable making a case to their employer during a conflict, it may be more likely that HR personnel resort to

advocating for outcomes that are of most benefit to the employer and rather than the employee. It can be problematic for HR professionals to be considered a third party neutral in an employment conflict, and that a more ethical stance requires the exercise of impartiality to be governed by a clearly articulated ethical code (Van Gramberg and Teicher 2006, p. 208).

2.3.4 HUMAN RESOURCES AND EMPLOYEE ENGAGEMENT

The ‘strategic’ human resources management approach has distinct implications for the way that conflict is perceived and dealt with in organizations. Overall changes in the way workplace relations are structured have resulted in a preference for dealing with workplace conflicts internally and bypassing trade union bargaining processes (Currie et al., 2017, p. 505). This approach emphasizes preventing the emergence of conflict and assumes that there are no underlying or intrinsic differences between the interests of the employee and the employer. Emphasis is placed on ‘high-commitment’ practices that promote employee development and engagement by encouraging an affinity between employees and the mission or purpose of their organization (McClean & Collins, 2011). From this point of view, the role of the HR practitioner is to support line managers efforts to create positive associations between employees and their organization and at the same time to increase employee engagement and ‘socialize’ conflict out of the organization (Currie et al., 2017, p. 493). As a result, emphasis on engagement promotes a model of organizational citizenship for the employee where conflict tends to be treated as a deviance from organizational norms.

The quality of relationships among HR personnel, line management, and employees can influence the quality and outcomes of disciplinary and conflict management processes. Some research has demonstrated that HR’s aversion to conflict places limitations on the extent to which ADR-conflict management processes are accepted by HR practitioners. Roche and Teague (2012) have demonstrated an association between the uptake of ADR and the degree to which organizations emphasize high-commitment HR practices (Roche & Teague, 2012, p. 529). Reluctance to adopt conflict management systems based approaches was attributed in part to HR managers preference for relying on management practices that promote mutuality and common purpose rather than acknowledge conflict as a normal aspect of the workplace environment (Roche & Teague, 2012, p. 546). When conflict was viewed as detrimental to organizational performance, HR personnel were inclined to stick to established methods for dealing with it and tended to avoid more innovative interest-based practices requiring proactive recognition of conflict such as assisted negotiations, mediation, and informal early resolution processes.

Other, literature analyzing the role played by interest-based conflict resolution in HRM practice raises a number of concerns about the structure, implementation, and ethics of ADR processes in the workplace. Saundry (2016) has suggested that changing roles and expectations for line managers including devolution of people management responsibility from HR professionals to line managers, is a move that may create tension between formal and informal conflict resolution approaches. Van Gramberg and Teicher (2006) suggest where an HR professional is called to act as the neutral third party in a conflict resolution process, ethical decision-making to resolve conflict can be challenged if organizational goals or values are prioritized over the needs of individual employees in conflict. Further, the quality of relationships between HR and management are also factors that frequently determine the success of conflict management systems, particularly in organizations that employ high-commitment HR practices (Roche & Teague, 2012a).

2.5 Summary

This brief review shows that the potentially differing goals and assumptions of ADR and HR in conflict resolution do make the implementation of a multidisciplinary approach to resolving workplace conflict challenging. The literature reviewed above indicates that neither the ADR nor HRM perspective is mutually exclusive even as ADR approaches to conflict resolution are increasingly relied on by organizations as a means of handling conflict more constructively. ADR literature emphasizes the role of interest-based solutions targeting the underlying sources of conflict. An ADR-orientated perspective advocates for interventions that remedy power imbalances that produce conflict. This often involves viewing conflict as tied to a mixture of common and competing interests in the employment relationship. In contrast, the HRM approach in literature and practice emphasizes maintaining organizational performance and minimizing the outbreak of conflict. Further challenges are invoked by the role of the HR practitioner as a third-party neutral in conflict situations, and tensions between high-commitment employee engagement strategies and conflict resolution. Both issues point to the fact that carefully framing conflict management solutions appropriately and articulating their value to organizations should be a priority of an ADR-based system for addressing employment conflict.

3.0 Methodology and Methods

3.1 Methodology

This research project primarily utilized a qualitative method to investigate how the RWO and the Human Resources department can better coordinate their roles and responsibilities under the *Respectful Workplace Policy*. A qualitative research approach was deemed most advantageous to this project, as it allowed for collection of in-depth data from a relatively small group of respondents whose experiences aligned closely with the topic of the research (Sumner, 2006, p.249). The strategy that developed over the course of the project involved a literature review, and a set of semi-structured interviews. Data gathered over the course of the project was assessed to provide insight into the current state and challenges of conflict management in the Yukon government.

3.2 Literature Review

To initiate this research, a scan of literature pertaining to the development and implementation of integrated conflict management systems and human resources was undertaken. The purpose of the literature review is to contrast ADR conflict resolution and strategic human resources approaches to conflict. The literature review was intended to be exploratory, rather than systematic in nature, and sets the stage for the discussion of interview findings that follows later in the paper. The discussion of literature also informed the development of interview questions and assisted the researcher in determining some of the preferred practices outlined in the recommendations section that concludes the report.

Databases including EBSCO Host, CRKN Wiley Online library, and Google Scholar were consulted to obtain relevant up to date literature. Key search terms employed in this research included: conflict, conflict management, human resources, and employment conflict. This review gathered literature in the form of peer-reviewed articles, published manuscripts, and articles from edited books, grey literature, and government documents. Websites of relevant organizations including the RWO and PSC were also consulted. The information garnered from the analysis of interview data has informed this literature review and supports the recommendations found at the conclusion of the report.

3.3 Semi-structured Interviews

This project relied on relied heavily on the personal experiences and individual perspective of interviewees to provide insights into the research topic and draw conclusions from the research findings. Semi-structured interviews with various stakeholder groups were undertaken to obtain the primary data . A semi-structured approach was followed throughout each interview conducted for this project to allow for flexibility, to cover topics most relevant to each individual and allow the researcher to probe further on topics of special interest, while also permitting comparison between interviews (Berg, 2009, p.109). A further advantage of this approach was that it provided a means of describing patterns within specific cases and outlining themes relevant to the topic under discussion (Schensul & LeCompte, 2013, p.172). Semi-structured interviewing also allowed interviewees to share their experience and knowledge on topics and elicited responses that were grounded in personal perspective (Kvale & Brinkmann, 2009, p. 24).

Given the sensitive nature of the conversations for some respondents, in-person interviews became the preferred approach. In meeting with each interviewee in person, the semi-structured interview allowed each individual to engage frankly with the subject matter on their own terms within a confidential

environment In this way, the description of findings relies on “thick description” striving to illustrate the specific experience of individuals who interact with RWO processes, while providing a sense of its context for the system as a whole (Dawson, 2010). It is hoped that this approach will allow insight into the interrelationships that make of the RWO process and the strengths and weaknesses of the processes, and areas where potential improvements can be made.

3.4 Recruitment Strategy

The people interviewed for this project were made up of individuals from departmental HR and the PSC, the RWO, deputy ministers and senior executive leaders, representatives from the public service unions, and Yukon government employees. This approach allowed the researcher to engage with a select group of highly knowledgeable individuals, with diverse perspectives and experiences all related to the work of the RWO. Prospective interviewees for the project were grouped as follows:

- **Group One – Senior Government Leaders:** Government employees with experience in various capacities in the community of Whitehorse, Yukon. This group included Yukon Government deputy ministers and senior executive leaders who were all either past or present employees of the Government of Yukon.
- **Group Two – Human Resources Practitioners:** Human resources practitioners situated in the community of Whitehorse, Yukon. This group included departmental HR representatives and individuals from the PSC.
- **Group Three – Union Representatives:** Individuals employed by or associated with employee’s unions responsible for representing employees and maintaining interest in public service employee health and well-being
- **Group Four—Employees:** Individuals employed by Yukon government who have opened cases within the system with either HR or the RWO. These individuals each have first-hand knowledge about what it is like to utilize the services offered by the RWO and Human Resources.

A long list of 12-20 prospective interviewees was developed in conjunction with the project clients, Cheryl McLean and Joie Quarton. An invitation to participate in the study was sent to all prospective interviewees by the RWO. The invitation to participate in the study explained the purpose of the research and gave individuals interested in participating the option to share their contact information if they were comfortable taking part in an interview. Once the participants accepted the invitation to take part in an interview, an interview was scheduled at a date, time, and place of the participants choosing. Prior to the time of the interview, participants were each provided with a copy of the interview questions. A Consent for Participation form, to be read and signed prior to the commencement of the interview, was also provided.

The University of Victoria Human Research Ethics Board (HREB) reviewed the project prior to the interview subject recruitment process. The HREB concluded that the project met the appropriate standards of ethics as outlined in the University of Victoria Research Regulations Involving Human Participants, and the project received a certificate of approval on March 5, 2018 (Ethics Protocol # 18-052).

3.5 Interview Process

Each interview was based on open-ended questions designed to elicit broad responses tied to the respondent's personal and professional experiences regarding the topic. See Appendix 2 for interview questions. Twelve interviews were conducted over the course of several weeks during June and July 2018. The focus and content of the interview questions were developed with the client to ensure that the RWO's goals for the research were well represented in each conversation. Interviews consisted of a set of predetermined questions provided to participants before the interviews.

Key topics addressed by the interview questions were informed in part by the concerns highlighted in the literature review. The interview questions focused on eliciting contrasts between the goals and assumptions of conflict resolution and strategic human resource management. Four major topic areas were derived from the interview findings: RWO effectiveness, collaboration under the RWO Policy, barriers to conflict management, and ensuring RWO success.

During each interview, Participants were asked to discuss: 1) their role or position and level of experience working with the Government of Yukon; 2) their experience and understanding of the RWO policy; 3) their experience of conflict and/or personnel management processes facilitated through the RWO and Human Resources 4) strengths and challenges associated with the RWO's approach.

3.6 Data Analysis

Once interviewing was completed, interview data was transcribed, thematically coded, and compared with findings from the literature review. During the coding process, interview responses were individually assessed and categorized according to a set of relevant codes determined by the researcher (Bulmer, 2006 p.30). Hand written notes were also taken during the interviews to compliment the audio recordings. These notes were transcribed into a digital file format and coded according to categories assigned by the researcher to supplement the discussion and analysis sections of the report. Following the transcription of interview data, the outcomes of the analysis were applied to formulate the recommendations that conclude the project.

3.7 Project Limitations and Delimitations

The scope of outcomes for this project was dictated in part by the number of interviews conducted and the particular perspective and backgrounds of individuals who were interviewed. A small group of respondents was purposefully chosen to ensure that interviews could be conducted in an efficient and timely manner. It was not possible to interview equal numbers of individuals representing each of the categories addressed above. The scope of recommendations was also partially inhibited by the small sample size employed for the project. However, the flexible approach offered by semi-structured interviewing elicited a variety of responses that did add considerable substance to the report's findings.

An effort has been made to represent equally the voices of all individuals who participated in the research interviews and provide a balanced cross-section of the perspectives and opinions shared during the interview process. The quotes included in the analysis section below are presented in italics to highlight the contributions of each interviewee and the broad range of discussion and richness of contributions made by each individual who participated in the project. This being the case, it is also important to note that the analysis is predicated on study participants experiences and observations that in turn rely on the acuity and accuracy of memory and personal judgement. Some bias may be present in instances where events occurred more or less recently or were inflected by strong emotions.

4.0 Findings

4.1 Introduction

Interviews for this project were conducted over a period of four weeks in June-July 2018. The individuals who participated in these interviews came from a wide-range of backgrounds within government and shared insights on a variety of topics related to the work of the RWO. Overall, the participants included three employees of the Government of Yukon who had been clients of the RWO and agreed to share their experience. In addition, interviews were conducted with two representatives of the Yukon Employees Union (YEU), and deputy minister level senior executive leaders including individuals who had served on the RWO steering committee. Finally, four representatives of departmental human resources and the Public Service Commission were interviewed. These individuals discussed their views as to how the RWO is working from the point of view of HR, and areas where further improvement to its process and services could potentially be implemented.

In total, twelve individuals agreed to participate in the formal interview process. Their contributions amounted to over ten hours of interview data. Most of the interviews involved an in-person conversation, either at the participant's workplace, or in a neutral public location. For logistical reasons, four interviews were conducted by telephone. Each participant signed a UVic Human Research Ethics consent form and was assured that their anonymity would be preserved. Overall, four primary topics were derived from the interview findings. These were RWO effectiveness; collaboration under the RWO Policy; barriers to conflict management; and ensuring RWO success. Each area was determined by the research during the coding process and reflects key concerns raised by respondents. The section that follows provides a description of key responses to each major topic, accompanied by a point-form summary of findings for each section.

4.2 Collaboration under the Respectful Workplace Policy

Collaborative working relationships between the RWO and the Unions, and departmental HR is one of the key pillars of the RWO policy. Respondents identified both strengths and challenges in relation to the quality of collaboration that currently exists amongst these key partners. Overall, the two most commonly discussed collaborative relationships were relationships between RWO and the Union, and RWO and human resources. The following section describes perspectives on two key relationships that are essential to the RWO's systemic approach to concerns about workplace conduct—the relationship between RWO and the unions, and RWO and HR.

4.2.1 RWO-UNION RELATIONSHIP

From a labour relations perspective, it was noted that there have been questions raised by the union in terms of the long-term viability of the RWO process. In some cases, there is support for returning to the former grievance-based processes. An individual from the Public Service Commission stated:

...I'm going into a round of bargaining, we have the unions sounding out now, at least one of the unions sounding out now...in terms of support for the RWO process they support it, but they only support it if its effective in resolving conflict in the workplace, in fixing things for their members. (HR practitioner)

This suggests that there is some hesitation and ongoing concern around whether the RWO approach is still supported by the unions, and whether union representatives believe that the RWO is the option for union members. There was also some indication that there may be some support for reverting to the grievance-based approach in instances where union members do not view the support they received as being timely or effective, or do not feel satisfied by the overall outcome of their case:

[union members] ...constantly weigh this against whether its valuable versus the traditional approach to having the opportunity to grieve it, versus an opportunity to have a different process which the RWO offers... the unions drive the support for this versus their individual members (HR practitioner)

However, other respondents pointed out that this dissatisfaction may be based on a mis-understanding of the intent and goals of a restorative approach to conflict management, highlighting the need to communicate effectively, or frame interventions, so that employees are willing to participate in ways that support positive outcomes. Some concerns were also raised in terms of the alignment between the union and the RWO, and mutual involvement in representing the interests of individual employees:

I think there is often concern that...their concerns lie more with the representing of the union and the perception of the process by the union, than of resolving or, making sure the issue, issue goes away for the individual but not necessarily for the organization. (HR practitioner)

This concern was acknowledged by one union representative who stated that “we navigate the fine line between representing the interests of the member...and representing the interests of the workplace as a whole, under the RWO policy.” While there was a perception that the RWO plays a dual role by supporting employees and working with union representatives to address cases brought forward by members, respondents emphasized the role of RWO as partly defined by its close affiliation to the Public Service Commission. One executive leader expressed the importance of the RWO’s positioning relative to the whole of Yukon government, suggesting that the RWO should be viewed as a human resource mechanism that is primarily responsible for representing the overall interests of the organization:

I don’t really see a distinction between [departmental] HR and the...RWO, I don’t see a distinction between the two, one is with PSC, the other one is with my department but at the end of the day they are the same continuum and they actually need to be together (Senior executive)

These results would suggest that in many instances, a case-by-case approach is necessary in order to determine the degree of involvement for each party. Although some union conflict cases can be addressed solely through the work of the RWO, there are instances where broader participation from either departmental HR, the SC Labour Relations Branch, or the Disability Management Branch is also necessary. In these instances, a high level of coordination is necessary to ensure that the situation is resolved effectively.

4.2.2 RELATIONSHIP BETWEEN HR AND RWO

A successful working relationship between HR and the RWO was recognized as important in terms of the overall outcomes that are sought under the RWO Policy. In order for this to occur, the respective approaches of human resources and the RWO, though different, needed to be complimentary:

Because when you are talking about workplace conflict, it’s one thing if its, two individuals, if you get two individuals and for whatever reason it just...then Respectful Workplace is probably the place you have to

go where you get the coaching, the mentoring, facilitated discussion and that type of stuff. If it happens to be...[an entire] workplace...then HR needs to be involved or else you're not going to change that workplace culture (Senior executive)

However, there was also acknowledgement of a lack of interaction between RWO and the departmental HR community. Sometimes, a workplace issue may not come to the attention of both the RWO and HR. This was suggested as a contributing factor in the potential for a lack of communication between HR and RWO:

If there's something happening where people are going to the Respectful Workplace and if the HR department is not connected, we may be thinking we're doing wonderful stuff and Respectful Workplace could be wondering what the heck we're doing because they're getting two or three complaints from employees within our organization. (Senior executive)

In some instances, both organizations may operate in parallel to one-another, rather than acting in concert. Where there is a lack of clarity in roles and responsibilities communication problems are likely to arise. Other discrepancies include the relationship between PSC, a central agency of government, and departmental HR. This “creative tension” between departmental HR and the PSC was considered due in part to concerns around control and autonomy about personnel management and in the case of RWO, appropriate resolution of conflict and employee complaints. One union representative stated:

It used to be that the Public Service Commission...seemed to be able to instruct departments, and that's gone away and now departments are seeing themselves as being able to make the final decisions on things with the Public Service Commissioner being able to provide advice. (Union representative).

Some HR practitioners acknowledged that from a labour relations perspective, the goal or purpose of RWO interventions can be completely different than the approach taken by the RWO:

We know in labour relations; respectful workplace will often find that we are often working at counter purposes to them...their objective is to keep people at work and restore relationships to a place where they can be healthy and work together, and maybe their perceptions are our role is to figure out who was wrong and get them out of there...we're all doing the same work! (HR practitioner)

This speaks to the fact that the approach to intervening in a workplace problem depends on differing goals and assumptions about workplace issues. Whereas the RWO may emphasize a restorative solution to a problem, HR practitioners feel the need to take direct steps towards discipline in the interest of the management or organization. Given the differences in scope and responsibilities that factor into the varied relationships between the PSC and HR in the various departments, several respondents pointed out that it was understandable for there to be some mistrust and lack of communication around conflict management. Conversely, it was suggested that improving communication and building further trust were part of what is required to promote more harmonious working relationships between the human resources community and the RWO.

4.2.3 SUMMARY

Collaboration under the RWO policy key findings:

- The two key collaborative relationships identified by a majority of respondents was between the RWO and the unions, and departmental HR and the RWO

- Union members may consider a return to the grievance process if employees continue to experience unsatisfactory outcomes from the RWO process
- Silos still exist within government that at times prevent coordination between departmental HR and the RWO
- Poor communication between RWO and departmental HR impacts the outcome of conflict interventions
- The involvement of HR was considered particularly important in complex cases that encompass additional concerns such as performance or disability management or disciplinary actions

4.3 Barriers to conflict management

A breakdown in process can have serious impacts for the people involved and the organization as a whole. Breakdowns can occur when employees either avoid the RWO or are unable to access its services in a timely manner. Problems also occur when HR other parties like HR or management are unwilling to engage the RWO to resolve a work place issue.

Further, complex cases may bring up challenging issues related to performance management or more serious disciplinary issues that the RWO is not as well positioned to address on its own. The following section addresses these challenges in two sections. First, challenges facing the RWO itself including complex cases, removal from the work place, and staff capacity. The second part of this section covers concerns raised regarding approaches taken by HR: practitioner neutrality, HR investigations, and psychological health and safety.

4.3.1 RWO CHALLENGES

COMPLEX CASES

It was frequently acknowledged that the RWO faces particular challenges in responding to complex cases. Typically, complex cases involve multiple interlocking issues or are impacted by a need for additional external resources such as support from the Disability Management Branch. Sometimes this may also lead to the involvement of labour relations, or other specialist groups within the Public Service Commission. One HR practitioner pointed out that in instances where a problem is not dealt with at the department level “*we never hear anything about them, particularly if they get resolved.*” However, when a problem remains unresolved “*they progress, then we start hearing about it.*” In cases where situations escalate, there can be disagreement as to the appropriate approach to handling the issue. Complex cases can be particularly challenging because of the amount of time required to deal with them effectively:

And so it just becomes ‘so how long does it take?’ because...[each] of these situations are different...but some are easier than others where you can sit down and say okay you need to have a conversation with the person, we can help you with formulating what that looks like and so there’s some of that kind of stuff which happens fairly quickly, the other ones...[are] pretty complex and you are unpacking a number of different layers. (senior executive)

The requirement for collaboration between multiple organizations including RWO, HR and PSC was brought up as a primary difficulty. One HR practitioner suggested that dealing with workplace conflict at the level of the individual was one area where the RWO lacked efficiency: “*I think they concern themselves primarily with an individual versus a systems assessment of what’s going on and that*

sometimes is difficult from [the perspective of] managing a unit down the road.” Taking a broader, systemic approach to assessing workplace conflict could help to alleviate challenges associated with complex cases. Addressing the challenge presented by complex cases was highlighted a priority because these cases are frequently challenging to manage:

...people are getting frustrated...It’s because the department isn’t taking it seriously, or the HR people aren’t... when they become very complex it’s how do we make sure that we have the right process in place to do that multilayer piece and hold people accountable to doing that. (senior executive)

In some situations, cases that involve interpersonal conflicts may fall outside of the scope of the RWO policy. One HR practitioner referred to disability and performance management as two areas that overlap with the work that RWO does, but do not necessarily qualify for support under the policy

[In] hybrid cases with disability management and performance [management] it’s hard to tell sometimes really what’s the real issue here, is it the person’s illness, is it their laziness? What is it...and so do you have to separate them, or do we all sort of put our brains together and work together? (HR practitioner)

With complex cases, it becomes challenging to coordinate the responses of the different parties involved. A high degree of cooperation is necessary in situations where a workplace issue involves multiple parties such as the RWO, the Disability Management Branch, and HR. It was suggested by one HR practitioner that “*it seems like departments kind of make a choice about separating, and I think the respectful workplace would say once they’re in there and they’re working on it, ‘everybody else butt out.’*” As noted above, complex cases create communication challenges, and in some situations, this can lead to a workplace issue being dealt with through a formal process instead of being referred to the RWO:

...something as simple as having a difficult conversation from a manager to an employee, doesn’t happen, doesn’t happen, and finally that’s performance management, you’ve got a suspension, you’re fired...and then we have to go to arbitration and we have to say, ‘look this has been going on for this many years, there’s been no assistance offered’ (union representative)

The RWO steering committee remains in place to address complex cases requiring additional review. However, some respondents suggested that it might be necessary to combine services such as the RWO and the Disability Management Branch as a means of reducing the number of channels through which cases are directed, and lead to better coordination for complex cases.

REMOVAL FROM THE WORKPLACE

Under Section six of the RWO Policy (GAM V.3.4.7, 2015, p.11), an external investigator may recommend that employees in conflict be separated. Employees who had gone through the RWO process noted that one of their primary concerns was removal from their workplace. In some instances, employees asked to be removed because they faced stigma remaining in their position while also having a case open with the RWO “*it was isolating, I noticed people weren’t talking to me...it was just not a good experience and I’m so glad that I’m out of it.*” For one individual, leaving their position seemed like the only opportunity to recover from the stress of remaining in contact with colleagues who were involved with their conflict:

...because of the stress level, life was too short, I don’t want to be in an unhealthy work environment anymore, and I just I basically said no I’m not willing to compromise my health, my wellness and I

essentially asked if the Respectful Workplace could help me in ensuring that I don't go back to that work space. (employee)

Others noted that once they were transferred from their position, re-establishing themselves in a new work environment was challenging:

because of the RWO I still got moved into a different position and I was so miserable in the other position because I wasn't a director. I mean I was doing director level work, but I wasn't the director... all of a sudden, you're just out of the whole loop...I couldn't do it . . . (Employee)

The challenges around removing individuals from the workplace were also linked to underlying issues around the RWO's lack of authority to make binding decisions. Some respondents suggested that to address this, it is important to further empower the RWO to hold decision making authority “truly giving them authority versus just the right to advise.” It was also stated that the authority of the RWO should be extended through the investigative process under section six of the RWO policy, allowing the RWO to make binding decisions based on the outcomes of an investigator's findings.

RWO STAFFING AND CAPACITY

Several respondents acknowledged that the RWO needs to hire additional staff. One individual expressed concern that the Office was being “squeezed” by the amount of cases that it needed to deal with. As a result, it was noted that the answer might be to “pile some stuff in there and further develop them...give them more time and more staffing and more resources to do the job that they're doing.” The effectiveness of the RWO was also attributed to the amount of time required to handle casework appropriately. The fact that RWO files take time was recognized by multiple respondents:

they do an amazing job over there, they'll spend months and months and months and months with people coaching them on having difficult conversations...they're doing, like I said they're doing great work, they probably need about twice the staff. (Union representative)

The amount of time required to achieve resolution to cases was also considered a detriment to the way that the RWO handled its cases. Efficiency was one of the major concerns for senior executive leaders. As one individual stated, the time it takes RWO to respond to an issue or facilitate an intervention is a primary concern:

I understand that it's not possible to get the private sector here, the alternative is that you bring them in from the outside, they're not as familiar...they'll probably be more expensive...My only criticism with RWO [...would be that], is that they don't have the capacity, they are overworked right now, and they take too long. And speed is of the essence. (senior executive)

Concerns around a lack of capacity were expressed differently depending on the institutional role of each individual who was interviewed. Nonetheless, it was evident that almost all respondents believed that the RWO would require more staff resources in order to be effective in meeting the demand for its services.

4.3.2 HR CHALLENGES

HR NEUTRALITY

For many respondents, a considerable dilemma exists for the HR community in that the independence and neutrality implied by their role is at odds with their responsibility to act on behalf of the Government of Yukon. Some contrasted HR with RWO stating that in many cases HR seeks to place the needs and interests of the organization before the needs of individuals. One employee stated concern, explaining that:

I really recognize that HR's not there for me as a public servant...they're there for the managers and to protect government of Yukon against liability, all those things.

HR neutrality was also brought up as an issue in terms of the way that employees interacted with representatives of departmental HR. One respondent described a situation where “*I felt I was basically put in the corner, just told to take direction, and even one of the ladies, from HR that was checking in on me...wasn't very friendly.*” Others noted that they did not feel that HR was able to respond capably to the conflict that they were facing. Another individual explained that HR practitioners, along with their managers seemed to frame their conflict negatively, hampering a constructive resolution to the situation.

Some respondents were concerned that a power imbalance existed in instances where departmental HR could potentially take liberties in its exercise of discretionary power over employees. As one union representative stated, “*people with no power go to the RWO, that's our membership, people with power go to human resources, and that's where it all breaks down.*” Inequity was considered to have a significant outcome in terms of RWO effectiveness, as a decision by HR not to direct an employee to the RWO could have significant ramifications for the potential resolution of their concerns. This raises the possibility that where the quality of coordination differs between the RWO and HR there is potential for inequity in the accessibility of RWO services for employees.

Conversely, among HR practitioners, there was a sense that the role of HR was not to advocate on behalf of employees. One respondent from the HR community described a role for HR in providing advice to employees, treating the services provided by the RWO as being parallel or equivalent to that of departmental HR:

we hope that when issues start developing in the workplace, of a harassment nature, we hope that the individual manager, employee, whoever it is realizes that they have an issue that they can't manage on their own...realize we hope that there are opportunities to resolve it...They can do that with their HR people in their branch, or...they can reach out to the RWO. (HR practitioner)

Other HR practitioners were more explicit in stating that the primary role of the HR consultant was to act on behalf of their department. As one respondent stated:

I think as a less experienced HR consultant... [it is] difficult to understand what your role is all the time...So, I think it's interesting when employees go to HR with questions, or concerns, and not knowing what is that employee's expectation...as an HR practitioner, I'm going to help employees, answer their questions, give the best information that I can, I'm not going to be advocating for them. (HR practitioner)

In this case, the HR practitioner placed emphasis on their role as an “extension” of management whose role is to broker on behalf of the department and act as a representative of the employer. While the HR practitioner's role was viewed as having to assist employees with their problems, an emphasis was placed

on the need for HR to maintain their role in collaborating with line managers to help them assist their employees, rather than acting directly on the employees' behalf:

if someone has a concern, you should probably listen to them empathetically you should try to give them advice about where they can get more help, but I think, your next step is to go around to the other door and let that manager know there's an issue and help them to try to resolve it, and HR should be more supporting management. (HR practitioner)

This approach to employee complaints taken by HR appears to be key to outcomes for employees. HR have both the ability to facilitate a resolution or prevent anything from happening. On the whole, HR practitioners understood their role as requiring an impartial, or neutral stance. In some cases, this created barriers for employees who were seeking assistance from HR to resolve their issues. However, employees also recognized that the conflicting role of HR sometimes made it difficult for them to provide the kind of support that they required. As one respondent described, after an initially difficult experience, HR provided more appropriate assistance that led to an intake by the RWO:

...once they realized that there was an issue they did kind of see where I was coming from, they did start treating me, like they weren't quoting the policies, like they were treating me like a human being...they did help me to,... work with respectful workplace, so I'm grateful for that, but it did take them a little bit to see where it was coming from and what the situation was.

HR INVESTIGATIONS

Where there is regular interaction between departmental HR, RWO, and the union, cases are more likely to be dealt with appropriately. However, where cases that could be addressed through ADR conflict resolution are not referred to the RWO, employees may be subject to damaging and costly disciplinary or investigative processes. Investigations conducted by departmental HR were a concern for several respondents, and particularly those who had experienced HR interventions in workplace issues. Employees, HR practitioners, and union representatives all suggested that at times the investigative process facilitated by HR posed challenges for employees, and in some cases failed to provide a positive outcome or appropriately resolve the issues under investigation. While external investigations are one of the tools available under the RWO policy, respondents made a distinction between investigations run by departmental HR or PSC labour relations and those facilitated through the RWO policy:

...In [labour relations]...there would be an investigation element...there would be interviews, there would be information gathering, a series of analysis, and then identifying the problem and then creating solutions to that and bringing it forward for decision...that's how corporate HR would work and [Labour Relations] in particular as the pointy end of the spear...When I contrast that with RWO I would say that it's much more transactional on the corporate HR side but it's also much faster. (senior executive)

In many cases there is no ideal way to conduct investigations, given that under most circumstances, the investigative process involves probing challenging or sensitive issues. However, employees expressed concerns about their experiences with investigative processes facilitated by HR. Some suggested that when HR personnel acted as the investigator into their case, the process was biased and lacked neutrality:

it wasn't a factual process, it became very personal and...they went as far back in my record as they could, and they started...looking at everything that I had ever done wrong, so they didn't just deal with that one thing they went back and [dealt] with everything they were unhappy with.

Employees also described feeling that their voice was not heard in the conversations that took place during investigative HR meetings. Some respondents noted that the process relied heavily on formalised procedure, and adherence to policy. There was also a sense that the overall communication around the process was inadequate.

HR practitioners also discussed the challenging nature of investigations. One HR practitioner explained that from the HR perspective, the role of an investigation is to probe an issue in an attempt to understand what might be going on *"Is there something, are there things you don't know... I think our techniques when you talk about investigation is about confirming or asking and getting the person to tell the other side of the story."* If an individual was having trouble at work, the conversation between an HR practitioner and an employee needed to be approached so as to avoid an unnecessary escalation to the point where disciplinary measures are required:

So, 'do you remember when we met on Friday and I said we needed this by Tuesday?' 'Yeah I remember that' 'Do you remember when I told you on Tuesday and it wasn't done?' 'Okay, well I think I was clear about my expectations and you didn't meet them and that can never happen again' you know suddenly you're off into the discipline gamut. (HR practitioner)

HR practitioners pointed out that investigations should be initiated for the right reasons, and be conducted with care, as *"the investigation isn't just to confirm what you think you knew, but to find out what you don't know."* In some cases, investigations are conducted in an effort to back disciplinary sanctions and ensure that any further disciplinary or discharge decisions are defensible.

While from the HR perspective investigations are a necessary tool that is required to regulate the employment relationship with management, there was acknowledgment that formal investigations sometimes have a costly impact for employees. Some respondents suggested that in instances where investigative or disciplinary actions are mishandled, real harm can result. One employee described their experience in an investigative meeting as disorientating, due to the limited nature of the dialogue that took place during the process:

...an investigative meeting is like hearing both sides of the story, but it's really not, because they have a prepared list of questions and they ask the questions and that's it...it's also...something that happens when something goes wrong so it's kind of a weird process because you've never had a discussion about it, nobody ever said... 'what happened here?' (employee)

Some respondents felt that they were left with no other option than to disengage with the process *"I realized that...at one point that nothing that I was going to do was going to resolve this...I left because I couldn't take it anymore."* Respondents discussed the investigations process as ultimately failing to provide an acceptable resolution, and in some cases suggested that they had been harmed by their participation and still live with symptoms of trauma. In cases where investigations are not undertaken in a way that provides employees a say on their own behalf or opportunity to speak to the emotional impacts of their situation, the intervention is less likely to succeed.

HR CAPACITY TO ADDRESS PSYCHOLOGICAL HEALTH AND SAFETY

The importance of psychological health and safety was raised in connection with discussion around the impacts of investigations. Several respondents noted that there are psychogenic elements present in the workplace conflicts that they have encountered. The emotional, or psychological challenges associated with the investigative process were suggested as one of the most difficult aspects of handling employee conflict. It was also noted by one union representative that the public service has been slow to recognize the importance the role that emotions play in contributing to conflict:

We're starting to see that, and there's a lack of willingness amongst a lot of the HR community and the disability management community to recognize that regular workplace interactions could be fine for one person, but cause harm for somebody else. (Union representative)

In addition to the need for supports like conflict coaching, or negotiation, employees were seen as needing tools that help them address the emotions that arise out of a conflict situation. A starting point for building this recognition is recognizing how differences in personality and emotional state affects the way that people approach a conflict:

That, a manager's style could be really in your face aggressive, not over the line of inappropriate behaviour, but just more aggressive, than, and one person might respond amazingly to that, somebody else might end up on medical leave because of the stress that is involved. And so, it is such a huge, huge, issue around how supervisors can create that respectful healthy environment. (union representative)

One senior executive referenced the importance of the RWO as a safe, confidential space that empowers employees “as an employee I need to know that I can go to the Respectful Workplace and it's confidential, that people are listening to what I'm saying, that this is an opportunity for me to make sure that I'm...getting my problems heard.” Respondents pointed out that whereas practitioners within the RWO may be positioned to recognize and address the psychological and emotional aspects of conflict, other practitioners including members of the HR community may not be in a position to respond as effectively as RWO. Overall, it was suggested that this leaves open an opportunity for the RWO to lead a broader implementation of psychological health and safety standards that respond to psychogenic conflict and better aligns services for employees.

4.3.3 INSTITUTIONAL CHALLENGES

The RWO needs to maintain relationships across numerous individual departments whose approach does not always align with its own philosophy. An additional barrier to effective conflict management and the success of the RWO was incomplete institutionalization of the RWO process throughout the whole of government. Avoidance of the RWO process and responsibilities were described as a major barrier to success. The de-centralised nature of HR within the Government of Yukon was acknowledged to be a contributing factor. In particular, employees stated that managers and HR practitioners play a particular role in championing the RWO by either passively or actively preventing employees from accessing its services. One respondent described a situation where their director took a decision to deal with a workplace conflict without contacting RWO:

...so, it's at the director's discretion to deal with any sort of conflict or anything that goes on however they want to, so this was kept...at the director's level and HR was not aware of it...there was a disconnect

between the director and the HR, the director not informing or discussing and letting HR know of any issues. (employee)

Some respondents recognized there is a lack of symmetry between the approach to workplace issues taken by the departments and that of the Public Service Commission. With respect to the RWO policy, there was a sense that the standards that it provides are not always met. An HR practitioner stated, referring to departmental HR, *“I think we have compliance where its ignorance and we have compliance where it’s wilful stepping outside the lines.”* They went on to suggest that the RWO process and policy address a lack of communication around what the RWO has to offer:

we have other branches and departments out there who I don’t think have all the information or do have the information and are willfully not doing it... not knowing what tools the RWO offers, not reaching out, not coordinating...so there’s some work to be done there but it’s moving in the right direction..

Union representatives also expressed significant concerns with the way that departments act in relation to the RWO policy *“What we’re seeing...is that departmental HR are choosing when they are interacting with RWO versus when they do fact-finding meetings and possibly move to discipline.* They also expressed concern that a lack of participation could constitute a breach of the Collective Agreement:

And so, we, our opinion, my opinion, is that departmental HR are opting out of Article Six of the Collective Agreement and that is a major concern to us, because that’s when the process breaks down.

RWO process and policy are premised upon collaboration and coordination between all parties within government with responsibility for resolving workplace conflict and disrespectful behaviour. Formal procedures play an important role in setting expectations and providing fair treatment to employees. However, exposure to such processes can have a detrimental effect on individuals if lower level, less visible conflicts are not addressed appropriately.

Union representatives explained that a lack of coordination presents a serious impediment to the continued success of the RWO. They also observed that a negative perception of the RWO among their members could be attributed to a lack of coordination *“that’s the biggest complaints that we get about the RWO process ‘it doesn’t work’ somewhere up there, they’re not letting it work.”* Overall, the key point that emerged from discussion of perceived interference was that a lack of communication around RWO services and insufficient understanding of RWO’s role in resolving workplace issues is a major impediment to a positive outcome that can lead that has resulted in a lack of departmental participation in RWO processes.

4.3.4 SUMMARY

Barriers to conflict management key findings:

- RWO process challenges included complex cases, removal of employees in conflict from their workplace, and a lack of capacity to handle the volume of ongoing casework
- Employees described significant personal and emotional impacts where investigations into workplace issues were not handled appropriately
- Challenges associated with HR included alignment with the employer, a lack of neutrality, and adversarial approaches to HR investigations

- Executive leaders and HR practitioners recognized that failure to manage conflict effectively is costly to the entire organization
- Cases that should be directed to the RWO are not always triaged appropriately due to omission, negligence, or lack of communication between the parties involved

4.4 Potential Improvements to the RWO Process

Respondents expressed a number of ideas about the ways that the RWO can build on its present strengths and improve its services for the future. First, training was universally emphasized as an area where the RWO had both expertise and the potential to expand and improve. The second area for improvement was in the promotion of services. Extending and augmenting RWO training was recommended to improve awareness of the RWO and increase capacity for conflict management within the government. Finally, improving the intake process for employees that need to open a case with the RWO was highlighted as a further area for improvement.

4.4.1 TRAINING

Recommendations for who requires training, when training should be provided, and the level of ongoing engagement with training for employees varied amongst the respondents. An important insight from the interviews was that different individuals and parts of government required training targeted at addressing the specific needs and requirements of the position, and length of service. This included training specifically tailored to management and executives, refresher training for employees, and training for the HR community. One client of the RWO suggested that *“there has to be some training for the older employees shifting over to new competencies and a new way of being because they have not changed.”* Management was considered as requiring more extensive training because of their important role in addressing minor conflicts within the workplace prior to escalation.

TRAINING FOR MANAGERS

Members of the HR community highlighted the idea that for managers, conflict-handling skills were part of a broader spectrum of competencies that contribute to an individual’s overall leadership capabilities. However, due to turnover in certain management positions some staff may not have a chance to develop the full breadth of knowledge required to handle conflict appropriately:

[new managers] need to learn about labour relations...they need to learn why you have to do honest performance appraisals, they need to learn about that stuff... but people see somebody as bright and good and they just want to snap them up... putting them through a series of jobs where they get skills, different set of skillsets just isn’t happening (HR practitioner)

In order to be well-rounded, new managers require personnel management experience in addition to the technical skill-set required by the business area requirements of a particular position. In some cases, it was suggested that new managers who climb the ranks quickly from a technical position such as policy adviser, may not have the opportunity to learn how to manage people. A senior executive echoed the suggestion that conflict-handling skills in particular are an important competency for leaders in the government:

I think that that is something that should be done at all supervisory levels, again if you are more mindful about the conversations that you are having when you are saying what you are saying, and have competencies that we have agreed to in leadership what does some of this look like and how does it fit...

TRAINING FOR EMPLOYEES AND HR

Employees at other levels of the government might require ongoing training that helps them to maintain awareness of the RWO. A senior executive highlighted the fact that in the time since the RWO has been established, employee's knowledge of the RWO may have lapsed "...when we set up the policy, set up the office we did a lot of training and awareness which was really good, but that was a number of years ago." Employees who may have taken RWO training when the policy was first implemented may not have maintained the same awareness of the RWO as others who had received training more recently. While it was noted that this initial effort to train a significant component of staff contributed to the successful implementation of the RWO, it was suggested that this commitment to training might need to be renewed:

when the program was first established...there was a commitment there to train eighty five percent of the managers the directors, and the supervisors there, excluding people out of the union on the processes...on the policy that the RWO has...I think they hit that or marginally got close to that, but that...[commitment] has to be renewed

Additional training for HR practitioners was also highlighted as a priority. A union representative suggested that capacity challenges and turnover within departmental HR units also pose considerable challenges:

...a lot of the time people are learning HR on the job which, you know, we don't, this territory is not always about formalized education and that is fine, but it does lead to a lot of gaps, and especially things like sexual harassment in the workplace

In order to provide the best support to employees and ensure that HR was able to refer cases appropriately to the RWO, further training would be required to familiarize HR practitioners with the Office's process and approach. HR practitioners also highlighted a need for more conflict management training. One suggested the need to ensure consistency in training for the entire HR community within Yukon government:

There're some foundation pieces I think in the human resource community generally, facilitation and consulting skills period are an area which we could strengthen...I think the organizational diagnosis capacity, it is certainly an area in which I will be doing work to...[improve] facilitation and intervention as well as the skills capacity to do it effectively

As well as developing skills around conflict management and organizational development, HR practitioners were recognized as requiring better knowledge of the work of the RWO. Another HR practitioner suggested that education could provide a means of ensuring better coordination between the RWO and departmental HR:

I think education is really the solution because when you're in the thick of it, and there's as there has been sometimes, a bit of a disconnect between departmental HR and RWO ... in the cool light of day,

more of a training or discussion or information sharing environment you're more likely to be able to understand different roles and avoid process conflict, or conflict in the process.

This suggests that there is a need for HR practitioners to receive training that is specifically targeted at identifying the roles and responsibilities of HR and the RWO, in addition to building foundational conflict management skills amongst individual employees.

4.4.2 PROMOTION OF CONFLICT MANAGEMENT SERVICES AND RWO

COMMUNICATIONS

The need for the RWO to promote the services that it offers and effectively communicate what it does was a key concern for all groups interviewed for the study. One union representative suggested that, *“people don't understand the process and they don't understand that they have the resources at their fingertips.”* Employees recalled not having been introduced to the RWO or being aware of its services prior to opening a case with the Office, with one individual recalling that *“I didn't know anything about the Respectful Workplace Office at all, didn't know it existed.”* Another individual suggested that the management within their Branch, including their director had failed to engage with the RWO, or suggest that they access their services during the initial stages of a workplace conflict. Others suggested that the reputation of the Office among government employees was also a factor:

I think their reputation is probably harming their work a little bit... I think if people hear negative comments about their work before they've even had to deal with them themselves, then they're probably not going to pick up the phone and call, right? (Union representative)

In relation to the concerns that the RWO's reputation is being impacted either by a lack of overall visibility within the organization, or misconceptions about the services that it provides, numerous respondents suggested that it was important for the RWO to communicate more effectively. As one HR practitioner suggested, *“they've gotta be... they have to be constantly promoting themselves and working with...people.”* One of the key elements discussed as supportive of the RWO's work was confidence in the Office. For some respondents, building employee confidence in the RWO was about effectively communicating results

I've said this many times... 'what [are] your metrics, [what do you] do over there,' they have an office up the street across the road from me here and I don't think that people know anything about what they do. They hear about them, but only when they need them, when they are impacted by them.

While there was an acknowledgement that communicating 'results' would be challenging given the nature of RWO cases and the time that it takes to resolve issues, it was suggested that the RWO needed to provide:

... the metrics to say 'here we are, here's what we do, here's how successful we are, we are not perfect, but these are the things we do' to demonstrate the success and their value proposition of what they have, because I think they're missing a bit of that...they're like us [HR], they're all messy and complicated, there's nobody there with a thank you to say, 'here's your tea and cookies.' . . . it's a difficult task.

4.4.3. INTAKE AND REFERRAL

The problem of ensuring that employees are provided with the right services for the type of case or issue that has been brought forward was also highlighted. One of the areas of difficulty around ensuring that employees made it through the doors of the RWO were gaps in the referral process. In some cases, the remedy of workplace issues was attempted at the level of management or directors, exacerbating the problems faced by employees. In other cases, a concern would be referred to HR and be dealt with through investigative or disciplinary measures rather than being referred to the RWO. One HR practitioner suggested that from a labour relations perspective:

...we hope that when issues start developing in the workplace, of a harassment nature, we hope that the individual manager, employee, whoever it is realizes that they have an issue that they can't manage on their own, they realize we hope that there are opportunities to resolve it. They can do that with their HR people in their branch, or...they can reach out to the RWO...who is a huge resource to folks who are in initial stages of those kinds of conflict situations.

However, the experiences described by employees who had been clients of the RWO suggested that employees do not always engage with the RWO when they are facing a workplace issue. Some respondents confirmed that gaps exist in terms of the cases that get referred to RWO “*it's not completely sterile of course, we'll have things that people that go through their office and end up in [the labour relations] office of course when it doesn't work.*” One employee recalled that they were only referred to the RWO once their conflict had already escalated considerably:

...it wasn't until everything blew up that I realized that when I got called in HR just said, 'well you better get a hold of respectful workplace' and I was like, 'oh, ok.' So, I had known a little bit and I had enquired, and I said 'oh yeah well thank you for that and I did reach out to them.

This highlights the fact that there are different paths to the RWO open to employees. While the model stated in the policy mandates that individual all cases involving harassment and disrespectful conduct go directly to the RWO, this is not always the case. The difficulty of assessing the workplace issue and deciding whether to take on a case was also highlighted. As one senior executive stated:

...Respectful Workplace has to determine whether or not it's...a legitimate complaint, is it their mandate, what does it need, is there some coaching and to get somebody so that they can go back and have that conversation and...feel comfortable having that more difficult conversation?

It was further suggested that HR has an important role to play in the intake process. HR participation was especially important given the volume of cases referred to RWO and the diversity of issues that are raised through employee complaints:

...It may not be all of them, but it's almost triage, you're coming into emergency you're over here, if you've got a gunshot wound you're over here first kind of thing...how can we provide and use some of the HR staff and supervisors within the government to take away some of the caseload that we are seeing.

Closer alignment between HR and the RWO would be of potential benefit in terms of the overall efficiency in addressing the RWO's workload. If HR is able to diagnose problems accurately and refer them to the RWO in when appropriate, some of the capacity pressures on the RWO could be reduced. HR also has an important role given the relative proximity of departmental HR staff to individual workplaces:

that's really where HR really needs to be involved because there could be something happening within the workplace that could be causing, you know, the underpinning of a conflict...that may be a piece that might need to be improved upon.

Evidence provided in the interviews indicated that overall, there can be inconsistency in the way that employees are provided access to the RWO. However, the existence of multiple pathways does provide some flexibility that is valuable insofar as it ensures that RWO services are accessible to employees facing diverse circumstances and working through all levels of government. Nonetheless, a lack of coordination and connection between RWO and HR has significant potential to create blockages that harm the overall effectiveness of the system.

4.4.4 SUMMARY

Potential improvement of the RWO process key findings:

- Managers and executive leadership would benefit from additional conflict management training specialized to suit their respective roles in the organization
- Employees and HR staff who have already received orientations to the RWO require ongoing refresher training to remain up to date with the process and policy over time
- Effective communication—what the RWO actually is, what it is not, and the work that it does, is key to the acceptance of informal conflict resolution in the Government of Yukon.
- Employees may lose the opportunity to seek support from the RWO due to a lack of awareness of the RWO among HR departments
- The intake process is important as a point of contact for employees and is also a sticking point where eligible cases could be prevented from reaching the RWO.

4.5 RWO Impact

Perspectives shared by interviewees in relation to their actual experiences working with the office in person were largely positive. Many commented that deciding to get involved with the RWO either on an individual basis, or through a group process was the right decision. This section reviews findings related to respondent's experiences working with the RWO staff and comment on the positive aspects of the RWO process.

4.5.1 RWO STRENGTHS

Some respondents described how the RWO's collaborative process was unlike other human resource practices or approaches because it actually involved the unions, in addition to representatives from within government like deputy ministers, and the Yukon government's HR community. The vital role of collaboration was frequently stated as important to the success of establishing the RWO and implementing the *Respectful Workplace Policy*. One HR practitioner noted that this unique effort to obtain buy-in from all parties was crucial to ensuring both the success and credibility of the new process:

from the point of view of the unions, and their support was really critical, what really made a difference is that they were involved early on. And I think a lot of times unions look at management as... a sort of antagonistic, you know enemies, where, 'you're our enemies, we're your enemies' but we had some good people in the unions at that point and so... the trust building was really essential. (HR practitioner)

The fact that Yukon Employees Union and Yukon Teachers Association gave up the right to grieve harassment related complaints was often cited as significant. Ongoing participation by all parties is required for the process to work. According to many respondents this concession was important because this reinforced trust among all of the parties involved:

...it is definitely a collaborative effort, and Yukon Government, and YEU that being the Yukon Employees Union joining hands on this... giving up their right to grieve harassment and instead agreeing to this different approach, and so it's a bit of a, I don't want to say a three ring circus, but there's three important partners, not only three important partners in this, and one is departmental HR, the other is the RWO and the third is the union. (HR practitioner)

The decision to require ongoing involvement from all parties also set the stage for complex interrelationships between the RWO, the unions and human resources. The fact that the RWO policy is inclusive of union representation is unique within government. The involvement of multiple parties from both inside and outside of government, means that collaborative relationships established during the design process is essential to the RWO's capacity to function effectively on an ongoing basis.

Numerous examples were provided that demonstrate that the RWO is fulfilling its role of building respectful workplaces in government. as established in the RWO Policy. Employees who had worked with the RWO stated that they had received the support that they were looking for and shared positive experiences. In some cases, these positive outcomes were unlike previous experiences engaging with HR. As one employee explained, the RWO *"didn't quote any policies or procedures, they just listened, they listened carefully about what my issues were, they treated me more like a human being."* Others pointed out that the RWO stood out as being unique and innovative based on their prior experience working in the fields of public service and labour representation:

In my history...I've been around on different sides of the table and different unions, I hadn't seen a program that offers up what they did in such a unique way. (HR practitioner)

Employees placed strong emphasis on the necessity of being able to speak freely and needing a safe place to discuss their case. In many cases RWO services provided more than a means of simply resolving issues, offering support to clients already struggling emotionally due to their circumstances. Employees who had been clients of the RWO also contrasted their experience with their interactions with management and human resources. In one case, an employee suggested that their encounter with the RWO was more helpful because:

it felt like a confidential, safe, supportive, all of those things I think was very good for me because like I said I was in, I was in tears by the time it got to that sort of state... it felt like they were there to help me whereas my manager,...[they're] going to HR and... getting direction from HR (Employee)

This highlights the concern that while individuals who are empowered by their seniority rely on HR, employees with less power are more likely to seek support from either their union or the RWO. Emphasis was also placed on the role that training in conflict management skills and conflict coaching had in assisting employees who sought assistance to deal with difficult situations in the workplace:

After my work with the respectful workplace, I can...this experience was the best experience for me as a director, as a manager, but the hardest experience I ever went through in my life. (Employee)

While clients of the RWO emphasized their positive experience in terms of managing conflict at the individual level, members of the HR community suggested that the RWO was also able to provide positive outcomes at the work unit level:

Well I think the process worked really well in the community nursing branch. And I think it worked really well there because they did take a systems approach...I think part of the difference there was that there were multiple complainants as opposed to a singular complainant (HR practitioner)

In this case, RWO success was attributed to the ability to stage an intervention that sought to accept input from all parties and involved considerable efforts to involve all staff in communities throughout the territory. One HR practitioner described the value of RWO's commitment to follow-up to see whether the anticipated outcomes of a process had been achieved:

they provided a much more balanced input and really useful in helping the branch...they revisited it, like they came back periodically...once they got it going they came back, and they worked on it, revisited it and they did other periods over a period of I don't know how long, I would say eighteen months. You know? So, moving the whole, I mean everyone in that branch, to a new place and a new relationship. (HR practitioner)

This employee observation confirms that the RWO put considerable time and effort into a sustainable, lasting outcome to the intervention and that this had a significant impact on "everyone in the branch." In this instance, sustained contact between the RWO, and the workplace before, during, and after a conflict resolution intervention aligns the RWO policy's goal of supporting long-term systemic change to promote respectful workplaces. Union representatives also expressed confidence that under the right circumstances, the RWO can be successful in supporting their union members:

most of the people appreciate what RWO does, we also have been putting a lot of effort into explaining to members that the process really does work, 'what RWO does, does work, it's your department...So, trust the system, the system works.'

In sum, it seems evident that in its holistic, integrated approach to handling conflict the RWO has been successful. While the foregoing sections of this report support areas for improvement, it is clear that the RWO's way of working with employees and seeking collaborative solutions has clearly provided an overall benefit to the organization.

4.5.2 SUMMARY

RWO Impact key findings:

- The collaborative nature of the RWO policy has contributed to a change in the way the harassment and disrespectful conduct is managed by the public service
- Employees who have accessed RWO's services attest to positive experiences after seeking support from the RWO
- HR practitioners recognized the success of RWO interventions at the work unit level
- Maintaining the RWO's ability to follow up and provide long-term support to both individual employees and entire workplaces is an important aspect of the RWO's approach to conflict management

5.0 Discussion and Analysis

5.1 Introduction

This research has demonstrated that in some cases, the RWO and HR still take a different approach to addressing conflict in the workplace. Given the complexity and range of issues facing the RWO, there is no easy answer or ‘quick fix’ to the challenges of aligning the RWO with the HR approaches to conflict management. However, based on the responses provided by interviewees, steps can be taken supplement and extend the benefits that the RWO provides to employees. Below I discuss insights drawn from the interview process, and offer thoughts on ways to increase the overall level of collaboration between the RWO and departmental HR.

5.2 Collaboration under the RWO Policy

The introduction of a new approach to managing conflict through the RWO represented a fundamental shift in the way that the Government of Yukon addresses harassment and disrespectful conduct. The transition from the former Harassment Prevention Office (HPO) to the RWO has led to positive change within the public service. The RWO process is markedly different from the previous approach to harassment and disrespectful conduct and has improved the overall way that conflict is dealt with via the RWO policy. The HPO process was ineffective and, in some cases, detrimental to the employees who required assistance. Change was made possible by the collaborative approach taken in establishing the RWO. The fact that unions have given up the right to grieve complaints related to disrespectful conduct and harassment, was noted as a key strength of the process and a foundational aspect of the collaborative relationships maintained by the RWO.

Nabatchi et al. (2012) outline a framework for collaborative governance that proposes a collaborative dynamic consisting of three interactive components: principled engagement, shared motivation, and capacity for joint action (2012, p.5). In a collaborative governance system, these three components work together to produce joint action to implement change. Continued success of the RWO requires ongoing cooperation and collaboration amongst all parties to the process. Nabatchi et al. (2012) further suggest that collaborative actions are more likely to succeed if they align with an articulated shared theory of action along with the capacity to take joint action towards implementation (2012, p.20). In order to implement the RWO policy more fully, there is a need to re-engage with departmental HR and clarify a shared purpose for both parties moving forward.

All respondents identified communication and collaboration as being key to successful outcomes. However, it was evident that potential for collaboration and strong relationships between the RWO and its partners in the departments has not yet been fully realized. The RWO has made an effort to reach out to the HR community at all levels of government. However, in some cases either due to a lack of comprehension of the RWO’s work and the value that it offers, or intentional avoidance of the RWO process, not all of the relationships that the RWO has with HR are as strong and effective as they need to be. One of the ways to renew confidence in RWO processes would be to draw on leadership within the organization to further champion its work. For instance, presenting evidence of observations by relevant leaders or even employees stating that the RWO is worth ongoing investment from departmental HR could help to build trust in the system.

While in one sense the RWO should necessarily be included in the overall organization-wide range of services dedicated to developing and supporting employees in their work, there are fundamental differences in approach that also set it apart. At present, common understanding of how to resolve problems and address workplace conflict is not consistent throughout the organization. While bodies such as the RWO Steering Committee have an important role to play in guiding the work of the RWO, it may be necessary to undertake broader efforts to re-connect with departmental HR. Ultimately, enhanced collaboration between the RWO and HR necessitates better understanding of the process and skills taught and practiced by RWO practitioners—what sets their work apart from the HR community as well as discussion of the ways in which their practices intertwine with the work of HR. Providing further evidence, of the real benefits of RWO processes for employees, especially to senior decision-makers, would help to reinforce a clearer sense of the ongoing value that the RWO provides to the public service.

5.3 Barriers to Conflict Management

The RWO performs a variety of roles and interacts at many different levels within the organization, and some confusion does persist in terms of the RWO's position relative to that of HR. Based on the results of the data gathered during the interview process, it is evident that conflict management is viewed differently by the RWO and HR—both for individuals and organizations within the public service. Employees rely on the RWO as a place to seek support when they encounter difficult situations at work and obtain advice about how to handle conflict constructively. In contrast, the HR community and senior executives often perceive the RWO as part of a larger effort to enhance performance and increase productivity within the organization by proactively addressing conflict. Despite the guidance provided by the RWO Policy, which includes a statement of roles and responsibilities, differing expectations of the RWO's role and purpose within the organization persist.

Tensions between the formal and informal conflict handling processes facilitated by RWO and HR were identified as diminishing the effectiveness of the RWO. In some cases, it seems that HR is using its investigatory powers to override the RWO. There are also instances in HR where conflict remains unaddressed in workplaces, where management or employees do not have the skills to address the situation, or where individuals do not feel comfortable asserting themselves to address the issues. In particular, inequitable power relationships between employees and their managers, and line management and executives pose ongoing challenges. As one respondent articulated, employees who feel powerless seek support from the RWO or their union, while their empowered counterparts seek support from HR. This creates a double standard that ties into the inherently conflictual position of HR practitioners identified above in the literature review.

Uncoordinated case management resulting in the misdiagnosis of a conflict that can raise further issues or exacerbate a conflict that would have benefited from an early informal approach to resolution. Both employees and practitioners highlighted the fact that sitting down to talk openly about an issue, can offer a path to a meaningful resolution. However, some employees still do not always have this opportunity. This brings up an issue of fairness of access to justice for employees. To succeed, conflict management systems need to offer a means of addressing conflict that leverages interventions to balance the interests of all parties, providing fair and durable resolutions to conflict management interventions. Ensuring meaningful and consistent participation from all employees and reinforcing the importance of fair access to conflict resolution with HR practitioners should be a key priority. It is important that HR practitioners

understand the extent to which the organization can benefit from conflict management processes that are centered on the needs of individual employees. Allowing employees to speak on their own behalf and play a role in formulating the resolution to an issue provides numerous benefits, including the greater likelihood that a conflict may be resolved.

Health and well-being including psychological safety were also highlighted as a key consideration. Some respondents suggested that in certain cases, the investigative practices or mandate of HR practitioners can have a detrimental impact on employees, particularly in instances where a workplace conflict is subject to investigation. There is a need to ensure that the RWO is able to participate and potentially intervene in cases where an individual has been or has the potential to be harmed by personnel management practices. The RWO is uniquely positioned to champion and promote the uptake of psychological health and safety standards in the workplace, as an attentiveness to all aspects of an employee's emotional and physical well-being is a fundamental aspect of their practice

5.4 Potential Improvement of the RWO Process

As is discussed above, effective communication—what the RWO actually is, what it is not, and the work that it does, is key to the acceptance of informal conflict resolution in the Government of Yukon. There is a need for the RWO to ‘tell its story’ by continually reinforcing the value of matching ADR conflict resolution practices and approaches to particular conflicts. Doing so is an important form of relationship building that can help to strengthen the connection between the RWO and its partners in departmental HR. Communicating not just what the RWO does, and the services that it offers, but also articulating how informal conflict interventions differ from formal or adversarial approaches, particularly to line managers and HR staff who deal with workplace conflict ‘on the ground’. One way to foster support is by continuing to activate leadership from senior executives, union leadership and human resources to champion the program.

Managers and executive leadership would benefit from additional conflict management training that is specialized to suit their respective roles in the organization. Continued progress towards the objectives set out under the RWO policy requires an investment of resources in the RWO itself, including staff members and resources to develop and enhance training at all levels of the organization. Improved communication can be facilitated not only through training, but also further alignment and integration of RWO policy's principle values, with HR strategies and the overall goals of the organization. Ongoing meaningful engagement between the RWO and HR at all levels of the government has the potential to enhance partnerships and improve overall participation in the process.

Finally, ensuring that the RWO remains easily accessible to employees is important. This requires that the RWO both remain visible within the organization and retain the ability to continue to build constructive relationships with HR, the unions, and other partners throughout government. One of the key areas for improvement highlighted by respondents was the connections between workplace stress, mental health, and interventions to resolve workplace conflict. Where processes have not ended successfully, whether they were offered by RWO or facilitated through departmental HR, stress can result for employees. In more serious cases, the outcomes of a workplace conflict can have a significant negative impact on an individual's long-term health and well-being. In order to work better together, RWO and departmental HR will need to take mental and emotional well-being into account as they work to improve the quality of both conflict management interventions and approaches to personnel management. A joint effort to

address these important concerns has the potential to not only further integrate conflict management approaches, but also to clarify the key strengths, and roles and responsibilities of both the RWO and HR.

5.5 RWO Impact

Despite the challenges that face the RWO has made considerable progress and has brought numerous benefits to the organization. For instance, based on employee responses, this improvement is particularly evident during individual consultation and coaching sessions. The confidential, supportive environment that is provided made a significant difference for individuals who accessed RWO services. Being able to work with a trained conflict resolution practitioner who is trained to listen to a problem and respond with non-judgmental, constructive advice appears to have made a significant difference to individuals who have accessed these services.

The RWO also received recognition for its work at the work place level, and the success of larger interventions that involved entire workplaces or branches. This confirmation of the approach taken by the RWO is encouraging, but it was also evident that large-scale workplace interventions require a significant commitment of time and resources over the long term in order to have an impact. It was also evident that successful interventions at this scale need buy-in and support from the departmental HR team to conclude successfully. HR practitioners that provided input to the study seemed more comfortable supporting broader interventions aimed at supporting organizational development. This suggests that this may be an area of RWO practice where both the RWO and HR may be able to foster greater collaborative action. While the scope of this research does not allow for conclusions to be drawn regarding impacts across the entire organization, it seems that the work that is being carried out by the RWO has positively benefitted many individuals. The success of the RWO is evident in that respondents to this study from all of the groups of interviewees attested positively to the value of outcomes provided by the RWO. However, it is difficult to extrapolate the results of this study to the entire work force population of the Yukon Government.

As of 2018, the RWO has been operational for five years. Statistical analysis undertaken by the RWO shows that overtime, and workplace issues dealt with by the RWO have remained consistent. As of the last three fiscal years covered by the analysis, the number of cases handled by the RWO averaged out at around 239 a year (RWO, 2018). With the number of employees in the Government of Yukon totaling 5,503 workers in 2017, it is evident that within the system-wide context of government, the RWO only has the capacity and opportunity to work with a small percentage of the public service work force (Yukon Bureau of Statistics, 2017). Similarly, employee engagement scores from the 2018 Corporate Results Employee Engagement Survey indicate that the average score for employees who believe that who think “In my work unit, conflict is dealt with effectively” has only increased marginally from an average of 57 out of 100 points to 58 between 2016 and 2018 (Yukon Bureau of Statistics, 2018). This suggests that promoting further overall change in the culture of conflict management will take time.

6.0 Recommendations

Ensuring the continued success and growth of alternative, approaches to conflict resolution for the Government of Yukon requires will require persistence and trust on the part of all parties involved. The findings of this study suggest that the retention and further development of the RWO as a primary element in changing the culture of conflict management in the public service is key to supporting this effort. Implementation of any or all of these recommendations will require an investment of time, effort, and in some cases financial resources. However, it is anticipated that improvements in the working relationship between RWO and its HR counterparts will contribute to efficiencies, ameliorate outcomes for employees, and support a more consistent approach to handling conflict across the public service.

The recommendations are also intended to reflect the key findings discussed in the literature review and the overall need for balanced interventions reflecting efficiency, fairness, voice and attentiveness to the emotional well-being of employees. The interview findings have highlighted both opportunities and constraints to the RWO process that have shaped the impacts of the policy overtime, and influenced the overall collaborative dynamic between RWO and departmental HR. In order to sustain the RWO policy into the future, there is a need to revisit the drivers for collaboration that generated the initial impetus to establish the RWO in 2012.

Three key areas for further development were highlighted during the interview process. First, effective communication of the role of the RWO, and the work that it does, and the opportunities it offers is essential to the acceptance of informal conflict resolution in the Government of Yukon. Second, training was uniformly emphasized as an important means of disseminating information about the RWO and improving the overall coordination between the RWO and departmental HR. Finally, intake and lack of HR referral of employees to the RWO represented one of the sticking points where eligible cases could be prevented from reaching the RWO. The recommendations that conclude the study have been developed to reflect the data gathered through the literature review, principles established in the conceptual framework, and semi-structured interview data. It is hoped that they will assist the client in determining next steps.

Opportunities to enhance current practice

Recommendation 1: Expand the mandatory training provided by the RWO to promote awareness of conflict management across the organization. This would include multi-day courses for employees, managers, and departmental HR staff including:

- Mandatory awareness training provided to HR practitioners to raise awareness and skill in conflict management within the HR community, promote familiarity with the RWO policy, and provide evidence of benefits provided by RWO interventions an approach
- Dedicated training courses and outreach for Government of Yukon senior leadership to promote stewardship and awareness of the RWO value from the top down
- Mandate regularly scheduled refresher or update training courses for employees who have already received RWO familiarization training to provide a follow-up to initial RWO training and reinforce foundational skills
- Incorporate mandatory RWO familiarization training incorporated into the Government of Yukon's onboarding process for new employees

Recommendation 2: Enrich RWO training for all employees to address present gaps in awareness and understanding of the RWO policy and conflict management skills. Additions to training offerings should include:

- Applying a range of approaches and learning methods including extended role-playing activities around mediations and facilitated conversations that reinforce key concepts in an experiential way
- Outlining learning objectives that encourage and assist employees to practice what they have learned and implement knowledge and skills in the workplace
- Hiring outside facilitators to present additional courses on mediation skills or conflict coaching for managers and senior leadership and increase the frequency and availability of conflict management training available to all employees.

Opportunities for ongoing improvement

Recommendation 3: Extend outreach to HR practitioners with a focus on clarifying expectations, recognize the interdependent nature of RWO and HR roles and responsibilities, due process in investigations, and the role of the HR professional in relation to the RWO Policy.

Recommendation 4: Work with departmental HR to revise and update Standards of Conduct guiding HR Investigations. A revised approach would include the following:

- Establishment of a committee including RWO and departmental HR, along with PSC labour relations, open to all departments to develop a common protocol or procedure to integrate conflict principles with the investigative process.
- Discussion of ethics, power dynamics, and steps to take when processes break down.
- Emphasis on renewed commitment to collaboration at all stages of the investigative process and a more integrated approach to the well-being of workers
- Outline of roles and responsibilities that encompasses all levels and kinds of interaction between HR, RWO, PSC and line managers in the workplace
- Explicit recognition of psychological health and safety standards, and the need for a safe environment within the process.

Recommendation 5: Develop an integrated interest-based communications strategy and improve internal (Yukonnect) and external (public) RWO websites. The RWO website should be revised and updated to provide details about the services that it offers and provide specific evidence of internal organizational improvements or benefits attributable to the RWO:

- Arrange resources for employees in a ‘one window’ format,’ that explains how HR processes and procedures fit in with services offered by the Respectful Workplace Office.
- Provide testimonial or examples of successful case work outcomes to better ‘tell the story’ of the RWO
- Develop visual or workflow diagrams to depict intake and referral to the RWO for employees to map out available RWO resources and options available to individuals requiring assistance.

Opportunities for long-term transformational change

Recommendation 6: Re-engage with Government of Yukon senior executive leaders on an annual basis to discuss the ongoing sustainability of the RWO and strengthen organization-wide strategies that support ongoing change in the culture around conflict in the public service

Recommendation 7: Celebrate and acknowledge successful collaboration between RWO, YEU, YTA, and departmental HR, upholding these examples to provide inspiration for future change.

7.0 Conclusion

Although the scope of this research is relatively narrow, this study has provided a window into the organisational and individual outcomes of the RWO. The aim of this research was not to validate the impact or outcomes of particular interventions. Instead, this study has sought to understand how a conflict management system might become increasingly more integrated over time within a large, complex organization that manages employee relationships and the organizational environment through multiple practices and approaches.

Although it has been five years since the initial implementation of the RWO policy, the new approach to handling conflict is still emerging. Further efforts need to be made to ensure that efforts to change the culture around conflict management in the Yukon government are sustained. After analysing the results of the literature review and semi-structured interviews it was apparent that the RWO policy has contributed successfully to changing perspectives around conflict in the workplace. Numerous constraints like RWO capacity, divergent values and philosophies around conflict, and even the far-flung geography of the Yukon create unique challenges. However, the outcomes of this research show that the RWO does provide an effective mechanism for dealing appropriately with harassment, disrespectful conduct, and workplace conflict.

This research makes a contribution to the overall body of literature on conflict management systems in Canada. In addition to Yukon, several provincial governments including Nova Scotia and British Columbia have similar Respectful Workplace Bodies in place within their respective public service organizations. However, relatively little is known about the status of these organizations, the outcomes that they provide to employees, or the extent to which informal ADR-oriented conflict resolution approaches make up their practices. In particular, further opportunities exist to assess these processes through the lens of collaborative governance. Such gaps in the literature provide an opportunity for other researchers to compare interest-based conflict management systems in different systems in terms of their varying components and the collaborative relationships that contribute to their operation.

Overall, the experience of developing and implementing the RWO shows how an organization can alter its approach to handling conflict. The Government of Yukon has taken a unique approach to addressing workplace conflict that is unique and unparalleled in similar institutions throughout the country. While the transition to the new policy is still a work in process, the establishment of the RWO represents an important step forward towards changes that will support further innovation and provide ongoing benefits to employees into the future.

References

- Amsler, L. B., Martinez, J. K., & Smith, S. E. (2015). Christina Merchant and the State of Dispute System Design. *Conflict Resolution Quarterly*, 33(S1), S7–S26. <https://doi.org/10.1002/crq.21149>
- Benson, J. (2012). Alternative dispute resolution in Japan: the rise of individualism. *The International Journal of Human Resource Management*, 23(3), 511–527. <https://doi.org/10.1080/09585192.2012.641077>
- Berg, B. L. (2009). *Qualitative Research Methods for the Social Sciences* (7th edition). Boston: Pearson.
- Bollen, K., & Euwema, M. (2013). Workplace Mediation: An Underdeveloped Research Area. *Negotiation Journal*, 29(3), 329–353. <https://doi.org/10.1111/nej.12028>
- Branches - Public Service Commission- Government of Yukon. (n.d.). Retrieved January 27, 2018, from <http://www.psc.gov.yk.ca/branches.html>
- Bulmer, M. (2006). Coding. In, *The SAGE Dictionary of Social Research Methods*. 1 Oliver's Yard, 55 City Road, London England EC1Y 1SP United Kingdom: SAGE Publications, Ltd. <https://doi.org/10.4135/9780857020116.n22>
- Caldwell, R. (2003). The changing roles of personnel managers: old ambiguities, new uncertainties. *Journal of Management Studies*, 40(4), 983–1004.
- Cole, N. (2007). Consistency in employee discipline: an empirical exploration. *Personnel Review*, 37(1), 109–117. <https://doi.org/10.1108/00483480810839996>
- Collective Agreement Between Government of Yukon and The Public Service Alliance of Canada Effective January 1, 2016 to December 31, 2018*. (2016).
- Collective agreements - Public Service Commission- Government of Yukon. (n.d.). Retrieved January 27, 2018, from <http://www.psc.gov.yk.ca/collectiveagreements.html>
- Colvin, A. J. S. (2012). American workplace dispute resolution in the individual rights era. *The International Journal of Human Resource Management*, 23(3), 459–475. <https://doi.org/10.1080/09585192.2012.641079>
- Costantino, C. A. (2009). Second Generation Organizational Conflict Management Systems Design: A Practitioner's Perspective on Emerging Issues. *Harvard Negotiation Law Review*, 14, 81–100.
- Costantino, C. A., & Merchant, C. S. (1996). *Designing conflict management systems: a guide to creating productive and healthy organizations*. Jossey-Bass Publishers.
- Cunningham, I., & Hyman, J. (1999). Devolving human resource responsibilities to the line: Beginning of the end or a new beginning for personnel? *Personnel Review*, 28(1/2), 9–27. <https://doi.org/10.1108/00483489910248947>

- Currie, D., Gormley, T., Roche, B., & Teague, P. (2017). The Management of Workplace Conflict: Contrasting Pathways in the HRM Literature. *International Journal of Management Reviews*, 19(4), 492–509. <https://doi.org/10.1111/ijmr.12107>
- Emerson, K., Nabatchi, T., & Balogh, S. (2012). An Integrative Framework for Collaborative Governance. *Journal of Public Administration Research and Theory*, 22(1), 1–29. <https://doi.org/10.1093/jopart/mur011>
- Erickson, S. K., Johnson, M. E., Juliano, J., Spangle, M., & Mitchell, K. (2012). ADR techniques and procedures flowing through porous boundaries: Flooding the ADR landscape and confusing the public. *Practical Dispute Resolution*, 5(1), 1–15.
- Gilmore, S., & Williams, S. (2007). Conceptualising the “personnel professional”: A critical analysis of the Chartered Institute of Personnel and Development’s professional qualification scheme. *Personnel Review*, 36(3), 398. <https://doi.org/10.1108/00483480710731347>
- Gosline, A., Stallworth, L., Adams, M. C., Brand, N., Hallberlin, C. J., Houk, C. S., & Lipsky, D. B. (2001). *Designing Integrated Conflict Management Systems: Guidelines for Practitioners and Decision Makers in Organizations*. (Cornell Studies in Conflict and Dispute Resolution No. 4). Ithaca NY: Cornell/PERC Institute on Conflict Resolution. Retrieved from <http://mrowe.scripts.mit.edu/docs/OO-in-conflict-management-system/SPIDR.2001.pdf>
- Government of Yukon. (2015, October 27). Respectful Workplace Policy GAM V.3.4.7 Retrieved from http://www.psc.gov.yk.ca/pdf/gam_3_47.pdf
- Hall Laura, & Torrington Derek. (2006). Letting go or holding on - the devolution of operational personnel activities. *Human Resource Management Journal*, 8(1), 41–55. <https://doi.org/10.1111/j.1748-8583.1998.tb00158.x>
- Jones, C., & Saundry, R. (2016). A Crisis of Confidence? Front-line Managers and the Complexities of Conflict. In *Reframing Resolution* (pp. 105–125). Palgrave Macmillan, London. https://doi.org/10.1057/978-1-137-51560-5_6
- Jones Carol, & Saundry Richard. (2011). The practice of discipline: evaluating the roles and relationship between managers and HR professionals. *Human Resource Management Journal*, 22(3), 252–266. <https://doi.org/10.1111/j.1748-8583.2011.00175.x>
- Kvale, S., & Brinkmann, S. (2009). *InterViews: Learning the Craft of Qualitative Research Interviewing*. SAGE.
- Lipsky, D. B., Seeber, R. L., & Fincher, R. D. (2003). *Emerging systems for managing workplace conflict: lessons from American corporations for managers and dispute resolution professionals*. San Francisco: Jossey-Bass.
- Mahony, D. M., & Klaas, B. S. (2014). HRM and Conflict Management. *The Oxford Handbook of Conflict Management in Organizations*. <https://doi.org/10.1093/oxfordhb/9780199653676.013.0004>

- McClean Elizabeth, & Collins Christopher J. (2011). High- commitment HR practices, employee effort, and firm performance: Investigating the effects of HR practices across employee groups within professional services firms. *Human Resource Management*, 50(3), 341–363.
<https://doi.org/10.1002/hrm.20429>
- Mills, A., Durepos, G., & Wiebe, E. (Eds.). (2010). Thick Description. In *Encyclopedia of Case Study Research*. 2455 Teller Road, Thousand Oaks California 91320 United States: SAGE Publications, Inc. <https://doi.org/10.4135/9781412957397.n347>
- Pritchard, K. (2010). Becoming an HR strategic partner: tales of transition. *Human Resource Management Journal*, 20(2), 175–188. <https://doi.org/10.1111/j.1748-8583.2009.00107.x>
- Public Service Commissioner - Public Service Commission- Government of Yukon. (n.d.). Retrieved January 27, 2018, from <http://www.psc.gov.yk.ca/commissioner.html>
- Roche, W. K., & Teague, P. (2012). Human resource management and ADR practices in Ireland. *The International Journal of Human Resource Management*, 23(3), 528–549.
<https://doi.org/10.1080/09585192.2012.641083>
- Roche, W. K., Teague, P., & Colvin, A. J. S. (2014). Introduction: Developments in Conflict Management. *The Oxford Handbook of Conflict Management in Organizations*.
<https://doi.org/10.1093/oxfordhb/9780199653676.013.0030>
- Rowe, M., & Bendersky, C. (2003). *Workplace justice, zero tolerance, and zero barriers. Negotiations and Change: From the Workplace to Society*, Cornell University Press, New York, NY, 117–37.
- Schensul, J. J., & LeCompte, M. D. (2013). *Essential ethnographic methods: a mixed methods approach* (2nd ed). Lanham, Md: AltaMira Press.
- Storey, J. (1992). *Developments in the Management of Human Resources: An Analytical Review*. Blackwell Business.
- Strategic Human Resource Management | Factsheets. (2018). Retrieved March 25, 2018, from <https://www.cipd.co.uk/knowledge/strategy/hr/strategic-hrm-factsheet>
- Sumner, M. (2006). Qualitative Research. In *The SAGE Dictionary of Social Research Methods*. 1 Oliver's Yard, 55 City Road, London England EC1Y 1SP United Kingdom: SAGE Publications, Ltd. <https://doi.org/10.4135/9780857020116.n165>
- The grievance procedure - Public Service Commission- Government of Yukon. (n.d.). Retrieved January 27, 2018, from http://www.psc.gov.yk.ca/grievance_procedure.html
- Ulrich, D. (1997). *Human Resource Champions: The Next Agenda for Adding Value and Delivering Results*. Harvard Business Press.
- Ulrich, D., & Brockbank, W. (2005). *The HR Value Proposition*. Harvard Business Press.

- Ury William L., Brett Jeanne M., & Goldberg Stephen B. (1988). Designing an Effective Dispute Resolution System. *Negotiation Journal*, 4(4), 413–431. <https://doi.org/10.1111/j.1571-9979.1988.tb00484.x>
- Van Gramberg, B., & Teicher, J. (2006). Managing neutrality and impartiality in workplace conflict resolution: The dilemma of the HR manager. *Asia Pacific Journal of Human Resources*, 44(2), 197–210. <https://doi.org/10.1177/1038411106066396>
- Whittaker, S., & Marchington, M. (2003). Devolving HR responsibility to the line: Threat, opportunity or partnership? *Employee Relations*, 25(3), 245–261. <https://doi.org/10.1108/01425450310475847>
- Yukon Bureau of Statistics. (2017). *Yukon Employment and Skills Survey 2017*. Whitehorse, Yukon: Yukon Department of Finance. Retrieved from http://www.eco.gov.yk.ca/stats/pdf/2017_Yukon_Employment_Skills_Survey_Report.pdf
- Yukon Bureau of Statistics. (2018). *Government of Yukon Employee Engagement Survey 2018 Corporate Results*. Public Service Commission, Government of Yukon. Retrieved from http://www.psc.gov.yk.ca/pdf/2018_EES_CorporateReport.pdf

Appendices

Appendix 1 – Recruitment Documents

i. Introductory Letter from the RWO

To: ...

Subject: Conflict Management Research

I am supporting a research project on employee engagement, conflict resolution and mental health within the Yukon public service. One of the goals of the project is to identify ways to better integrate conflict resolution services offered by the respectful Workplace Office and Human Resources services for government employees.

The researcher, Patrick Bradley, is a graduate student in the Masters of Dispute resolution (MADR) program at the University of Victoria. Patrick is also currently employed as a co-op student with the Department of Energy, Mines and Resources in Whitehorse.

[Senior Leaders/Managers]

Part of the research involves understanding how conflict is managed within Yukon government. You have been identified as a senior leader with considerable knowledge and experience of the challenges and opportunities in the provision of conflict management services to Yukon public servants.

[HR Personnel]

Part of the research involves understanding how conflict is managed within Yukon government. You have been identified as a [HR professional] with considerable knowledge and experience of the challenges and opportunities in providing Human Resources and conflict management services to the Yukon public servants.

[Union/Labour Representatives]

Part of the research involves understanding how conflict is managed within Yukon government. You have been identified as a [union representative] with considerable knowledge and experience of the challenges and opportunities in Human Resources and conflict management services provided to the Yukon public servants.

[Employees]

Part of the research involves understanding how conflict is managed within Yukon government. You have been identified as a [Yukon government employee] with knowledge and experience of the challenges and opportunities in Human Resources and conflict management services provided to the Yukon public servants.

If you are willing to assist with this research, I would appreciate your participation in an in-person semi-structured interview that Patrick will be conducting for the project. The interview will be 45-60 minutes in duration and be scheduled at your convenience.

Please review the attached consent form before agreeing to participate in the research. You will not be asked to share confidential information as a part of this research study. Choosing not to participate in this study will have no repercussions on employment standing, or relationships with the researcher or with

myself as the RWO Director, and client of this study. The RWO will not be directly involved in the research and will not have access to the original data.

Patrick will disseminate the results of the research to us to inform the work of the RWO. You will be provided with the opportunity to review the draft report once it is completed to ensure that no private or confidential information is made public as a result of your participation in the study. Your name and contact information will only be shared with Patrick if you agree to allow the disclosure. If you are interested in participating, please contact me in the next few days and I will provide you with Patrick's contact information to schedule an interview date.

Thank you for your consideration,

ii. Email script to set interview times from researcher

Dear, ...

Thank you for your interest in my study entitled Aligning Human Resources and Conflict Management Services in Yukon Government.

As a graduate in the Masters of Dispute Resolution program at the University of Victoria, I am carrying out research for my client the Yukon government's Respectful Workplace Office (RWO). The report that results from the research will be presented to them, but all data gathered will remain anonymous and confidential.

The purpose of the research project is to determine how the RWO could work better with Yukon government's departmental human resources to provide conflict management resources to public service employees. The research will also ...

If you consent to voluntarily participate in this research, the process will involve answering a series of questions during a semi-structured interview. The time commitment required for participation in the project will not exceed one and a half hours, with the interview itself taking 45-60 minutes. You will have an opportunity to review the draft report once it is completed to ensure that no private or confidential information is made public as a result of your participation in the study.

Is there a convenient time this month for you to participate in an interview? I have availability:

... available interview slots

We can meet either at your workplace, or at some other location that is most convenient for you. If an in-person interview is not convenient, we can schedule a telephone interview.

If you agree to participate, please contact me at pbradley@uvic.ca or (250) 882-9561 to schedule a meeting at your convenience. If you do decide to participate, you may withdraw at any time without consequences or explanation. In the event that you withdraw from the research, your data will not be used, and immediately destroyed.

Please do not hesitate to contact me if you would like further information.

Thank you,

Patrick Bradley

iii. Follow-up email script

Hello ...

You indicated interest in taking part in my research project entitled 'Aligning Human Resources and Conflict Management Services in Yukon Government.'

I apologise for bothering you again, but I am hoping to arrange an interview with you to gain your perspective on this topic. The interview itself should take approximately 45-60 minutes.

Are you still able to participate in the research? I am hoping to schedule my remaining interviews before ...

Thank you,
Patrick Bradley

iv. Informed Consent Document – Interviews



**University
of Victoria**

Participant Consent Form

Aligning Human Resources and Conflict Management Services in Yukon Government

You are invited to participate in a study entitled “Aligning Human Resources and Conflict Management Services in Yukon Government” that is being conducted by Patrick Bradley. I am a graduate student in the department of School of Public Administration at the University of Victoria. You may contact me if you have any further questions at (250)-882-9561 or pbradley@uvic.ca.

As a graduate student, I am required to conduct research as part of the requirements for a Master’s degree in Dispute Resolution. It is being conducted under the supervision of Dr. Tara Ney. You may contact my supervisor at (250)-592-1966.

The client for this research is the Yukon government’s Respectful Workplace Office (RWO), and RWO Director Cheryl McLean. The results of this research will be presented to my client, but the primary data collected during the study will remain confidential and anonymous.

Purpose and Objectives

The purpose of this research project is to find out explore how improved integration between Human Resources and the RWO can contribute to conflict management capacity in Yukon government. I am interested in finding out how services are currently being delivered, and what is necessary to create a more seamless conflict management system within the Yukon government. Ultimately, the goal of this project is to provide the Respectful Workplace Office with recommendations that The objective of the research is to address the following:

- How can Human Resources and Respectful Workplace Office work together to improve conflict management capacity in Yukon government?
- What factors contribute to a more seamless conflict management system within the Yukon government?
- Are there ways that the RWO can encourage further use of conflict management resources by employees?

Importance of this Research

This research will assist the RWO in improving the way that it delivers conflict management services to public service employees. Providing recommendations to the RWO will assist in the further integration of conflict management resources for Yukon government public servants. The research also has the potential to contribute to employee well-being and promote respectful, healthy and well-functioning workplaces within Yukon government.

Participant Selection

You are being asked to participate in this study because you have experience or expertise relating to the topic and processes under consideration by this research.

What is involved

If you consent to voluntarily participate in this research, your participation will include a single in-person interview conducted by Patrick. The details of the interview process are as follows:

- The interview will be approximately 45-60 minutes in length and will be scheduled to take place at your convenience
- I will provide a copy of the interview questions in advance so that you may review them prior to the interview
- On the day of the interview, I will meet with you at a location of your choosing.
- I will also request your explicit consent to make an audio recording of the interview and take hand written notes on your responses to create a transcript afterwards that will support the research process. You may decline audio recording during the interview.
- You may also decline to answer any of the questions asked during the interview.
- Once the research is complete, all written documents relating to the interview process including transcripts and audio files will be either destroyed or digitally erased.

Inconvenience

Participation in this study may cause some inconvenience to you, including time necessary to participate in the interview, and any other time spent in preparation for the conversation or adjusting your schedule to accommodate the interview. Completing the interview outside of work hours may also be arranged.

Risks

This study is considered to be of “low-risk” as defined by the Tri-Council Policy: Participants will not be subject to any physical harms greater than those encountered in their everyday life as it relates to this research. However, due to the potential for discussion of sensitive subject matter relating to workplace conflict or disputes, there are some potential risks to you including emotional, social, or psychological discomfort. You will be provided with the opportunity to review interview questions prior to our conversation. As participation in the study is completely voluntary, you may decline to answer questions during the interview, and may withdraw completely at any point without consequence.

Discussion of work-related conflict may implicate third parties who have not consented to participate in the research. There is also a possibility of reputational harm, loss of status or respect, alienation or stigma if sensitive or private information is disclosed in the research report. To prevent these risks, and protect all study participants, you will be asked not to provide names or discuss easily identifiable situations during the research interview. Participants will be identified by function or role only in the final analysis, and you will have the opportunity to review the report prior to its dissemination to ensure that your privacy has been protected.

Benefits

The potential benefits of your participation in this research include the opportunity to assist the Respectful Workplace Office improve the integration of its services. A copy of the completed report will be available to all study participants upon request once the study has concluded. Additionally, your participation will help to indicate the effectiveness of the Respectful Workplace Policy, and contribute to recommendations to the RWO that will promote principles outlined in the policy.

Voluntary Participation

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study your data will either:

- Be used in the study only with your consent *or*
- Not be used in the study and destroyed

Anonymity

You will be anonymous in the dissemination of the results of the research. The names of participants and their respective positions, departments or institutions will be omitted in the dissemination of this research. No references to your specific workplace or organization will be made, and you will be referred to by your function or role only in the final report. However, due to the small population of the research sample, your anonymity may be limited during the data gathering stage. However, your anonymity will be maintained at all other phases of the project. Participants will be encouraged not to disclose the names of specific individuals in response to interview questions.

Confidentiality

Your confidentiality and the confidentiality of the data will be protected by coding each interview (e.g. 'Participant 1,' 'Participant 2') and through control over access to research data. Once handwritten notes and audio files have been transcribed by the researcher to an electronic file, they will be destroyed. Electronic files will be stored in a password protected file on the researcher's personal computer, and all paper hard-copy documents will be stored in a locked cabinet. Research data will not be made available to the Respectful Workplace Office, and the only information shared will be in the form of the final research report.

Dissemination of Results

It is anticipated that The results of this study will be shared with others during the final defense of the final ADMIN 598 project. The defense is attended by the client, the academic supervisor, another faculty member and any individuals from the community who may wish to attend. The final report will be available to you as well as other participants in the research. The data collected will not be analysed now or in future for any purposes other than this research project.

Disposal of Data

Data from this study will be disposed once the research has been concluded. Paper files will be shredded and all audio and electronic files will be deleted

Contacts

Participants may contact the researcher or academic supervisor at any time to verify the ethical approval of this study or state any concerns they might have about the research.

Patrick Bradley, researcher
(250) 882-9561
patbrdl@gmail.com

Dr. Tara Ney, supervisor
(250)-592-1966
tney@uvic.ca

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

Your signature below indicates that you understand the above conditions of participation in this study, that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project

_____	_____	_____
<i>Name of Participant</i>	<i>Signature</i>	<i>Date</i>

A copy of this consent will be left with you, and a copy will be taken by the researcher.

Appendix 2 – Sample Interview Questions

Questions:

1. Please tell me about yourself—what is your current position, and how long have you worked with the Yukon Government?
2. In your experience, what kind of support for conflict management exists in your workplace (if at all)?
3. What experiences or involvement have you had with the respectful workplace office?
4. What is your understanding of the relationship between the RWO and Human Resources?
5. Overall, what works well in terms of Yukon government Human Resources responses to workplace conflict?
6. In what ways might Human Resources response to workplace conflict be improved?
7. Are RWO services complimentary to the services provided by Human Resources?
8. What recommendations (if any) would you provide to improve coordination between the RWO and Human Resources?
9. In your experience do any other needs exist for conflict management processes in the Yukon government that are not currently being met by available services?
10. Do you have any additional comments or suggestions?

Appendix 3 – RWO Complaint Process

