



# **WEST MOBERLY FIRST NATIONS**

## **MEMBER SERVICES POLICY**

Adopted:	July 23, 2024
Amended:	

**Objective:**

To ensure that WMFN provides respectful, healthy, and well-functioning services to Members free from bullying, harassment, and discrimination.

**Application and Scope:**

Members, Employees, Council, and Contractors

**Definitions:**

Member: For the purposes of this policy, Member includes WMFN Members and Community Members who are eligible for a particular service or program offered by WMFN.

Employee: For the purposes of this policy, Employee includes WMFN Staff, Council, and Contractors hired by WMFN to provide Member Services.

Member Services: Services provided by WMFN to eligible Members through programs or policy.

Disrespectful Conduct: Behaviour by an individual directed against another individual that a reasonable person would consider disrespectful. For the purposes of this policy, disrespectful conduct is understood to be on a continuum from mild to grievous to illegal, and includes:

- Gossiping
- Embarrassing practical jokes
- Swearing and yelling
- Inappropriately interfering in another individual's access to services
- Ridicule
- Making derogatory comments to or about another individual
- Derogatory gestures
- Shunning
- Bullying (See definition below)
- Abuse of authority
- Discriminatory conduct contrary to the *Canadian Human Rights Act*, including harassment and sexual harassment (see definitions below); and
- Physical assault

Disrespectful Conduct includes conduct in person (at WMFN offices or in the community), over the telephone, and in written communications.

Disrespectful Conduct does not include the proper use of authority related to the delivery of Members Services, implementation of policy, or adherence to applicable laws and statutes. Disrespectful Conduct does not include interpersonal or other conflict where both sides express their views respectfully.

Bullying: Repeated, persistent, or systematic assertion of power through aggressive behaviour – physical, verbal, or psychological – which would be seen by a reasonable

person as intending to belittle, intimidate, coerce, isolate, or cause fear, distress, or harm to another person or group of people.

Examples of bullying in the context of Member Services include:

- Spreading malicious rumours, gossip, or innuendo that is not true
- Intimidating a person
- Physically abusing or threatening abuse
- Making jokes that are obviously offensive by spoken word or email
- Yelling
- Belittling a person's opinions
- Tampering with a person's personal belongings

Discriminatory Conduct Contrary to the *Canadian Human Rights Act*: Behaviour towards a Member that treats them unfavourably and/or does not provide appropriate accommodations on any of the grounds set out in the Canadian Human Rights Act, as amended, and which at the date this policy was last amended were:

- Race
- National or ethnic origin
- Colour
- Religion
- Age
- Sex, including pregnancy or childbirth
- Sexual orientation
- Gender identity or expression
- Marital status
- Family status
- Genetic characteristics
- Disability
- Conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered

Under the *Canadian Human Rights Act* it is not discrimination if treatment is based on:

- Reasonable requirement or qualifications for the Member Services; or
- Other factors establishing reasonable cause for the treatment.

Harassment: Conduct, comment, gesture, display, or contact that might reasonably be expected to offend or humiliate a person or group of people.

Examples of harassment include:

- Making unwanted remarks or jokes about race, religion, sex, age, disability, or any other grounds of discrimination
- Threats or intimidation because of race, religion, sex, age, disability, or any other grounds of discrimination
- Unwelcome physical contact such as touching, patting, or pinching

Sexual Harassment: Conduct, comment, gesture, display or contact of a sexual nature that might reasonably be expected to cause offense or humiliation, or that might reasonably be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or promotion. Sexual Harassment may be overt or subtle and need not be intentional to be considered Sexual Harassment.

Complainant: A Member on the receiving end of the behaviour complained about.

Respondent: An Employee against whom an allegation has been made that they breached this policy.

Reporting Contact: The individual or body to whom a complaint under this policy is reported and who is responsible for managing or taking next steps. In most cases, the reporting contact is the Director of Operations, subject to the exceptions described below.

Investigator: The individual or team responsible for investigating a complaint under this policy, where a formal process is pursued. In most cases, the investigator is the Director of Operations, unless an external investigator or other individual is appointed and subject to the exceptions described below.

Support Person: An individual chosen by the Complainant or Respondent to accompany them to meetings pursuant to this policy. This individual is present solely for the support of the individual they are accompanying and must abide by the restrictions described below.

**Policy:**

WMFN will provide services to Members in a respectful and professional manner.

Disrespectful Conduct is not acceptable or tolerated in the delivery of Member Services.

Members have the right to submit a complaint regarding non-compliance with the Member and WMFN Employee Bill of Rights (see below) using this policy and the procedures outlined herein.

A copy of this policy will be available on WMFN's website.

Other disagreements or concerns about a specific decision regarding application of a program, policy, or service should be addressed using the WMFN Appeal Policy.

WMFN Duties:

WMFN has a duty to provide Member Services to Members in a respectful and professional manner, and as a result, shall take all reasonable steps to prevent where possible, or otherwise investigate Disrespectful Conduct towards Members during service delivery and take corrective action, where appropriate.

Members Duties:

Members have a duty to take reasonable care in fostering a safe and respectful community, and as a result, Members must take all reasonable steps to access services and treat WMFN service providers in a respectful manner, as prescribed and prevent Disrespectful Conduct where possible.

A Members obligation to take reasonable care to foster a respectful community includes:

- not engaging in Disrespectful Conduct in relation to Member Services
- reporting any Disrespectful Conduct in relation to Member Services, including Bullying or Harassment which they either observe or experience
- applying and complying with WMFN policies and procedures regarding Member Services.

## Member and WMFN Employee Bill of Rights

A MEMBER has the right to:	A MEMBER is required to:	An EMPLOYEE has the right to:	An EMPLOYEE is required to:
<ul style="list-style-type: none"> <li>• Respectful conduct (see definition) during Member Service interactions with Employees</li> <li>• Accommodations for Individuals with Disabilities</li> <li>• Use the Member Services Policy to address behaviour from Employees that is disrespectful or does not comply with the Member Services Policy</li> <li>• Punctual response and action regarding written requests and inquiries</li> <li>• Have their confidential information protected</li> <li>• Choose a support person to accompany them to meetings (per the Member Services Policy)</li> </ul>	<ul style="list-style-type: none"> <li>• Avoid interaction with an Employee when under the influence of drugs or alcohol</li> <li>• Avoid disrespectful conduct including bullying, harassment, and discrimination (see definitions)</li> <li>• Submit requests and inquiries to an Employee in writing</li> </ul>	<ul style="list-style-type: none"> <li>• Respectful conduct (see definition) during Member Service interactions with Members</li> <li>• Terminate and/or reschedule an appointment if the Member is disrespectful or abusive, including because of impairment by alcohol or drugs</li> <li>• Request that a Member leave a group meeting if the Member is disrespectful or abusive, including because of impairment by alcohol or drugs</li> <li>• Use the WMFN Human Resources - Respectful Workplace Policy to address disrespectful Member conduct</li> <li>• A healthy, safe work environment</li> <li>• Due process regarding any concerns or complaints regarding their service or behaviour</li> <li>• Choose a support person to accompany them to meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Avoid disrespectful conduct including bullying, harassment, and discrimination (see definitions)</li> <li>• Provide appropriate accommodations for Individuals with Disabilities</li> <li>• Maintain confidentiality of Member information</li> <li>• Respond to written inquiries (including email) within 5 Business Days indicating receipt of inquiry and proposed timeline for action</li> <li>• Provide clear information regarding possible actions and decisions</li> </ul>

## **Complaint Procedures:**

All those involved in the handling of a complaint under these procedures shall, subject to any applicable law, hold in the strictest confidence all pertinent information of which they become aware. It must be anticipated that the Respondent will be told of the details of the allegations.

Chief and Council shall be made aware of all or part of the proceedings on a need-to-know basis. As the individual who holds primary responsibility for personnel matters, the Director of Operations or Chief as appropriate, must be kept apprised of all matters related to a Member Services complaint.

## **Reporting Procedures:**

Complainants are encouraged to first tell the Respondent that the behaviour is unwelcome and ask them to stop. If the behaviour persists, or if the Complainant feels unsafe to resolve the matter directly, Complainants are encouraged to use the reporting procedures in this policy to report incidents of Disrespectful Conduct, Bullying, or Harassment or non-compliance with the Member and WMFN Employee Bill of Rights.

*How to report:* Complainants shall report incidents or complaints in writing to the Reporting Contact using the Member Service Complaint Form or a similar format including all relevant information.

*When to report:* Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

*Reporting Contact:* Incidents or complaints shall be reported to the Director of Operations.

*Alternate Reporting Contact:* If the Director of Operations or a Councillor is the Respondent or Complainant, the Complainant shall report to the Chief as Reporting Contact. If the Chief is the Respondent or Complainant, the Complainant shall report to a Council Member who shall bring the complaint to a quorum of Council that will act as the Reporting Contact.

The Reporting Contact shall respond in writing to the Complainant within 10 business days acknowledging the receipt of a written complaint.

*What to include in a report:* The Complainant should provide as much information as possible in the report, such as

- the names of people involved, including any witnesses,
- where the events occurred,
- when they occurred, and
- what behaviour and/or words led to the complaint.
- Attach any supporting documents, such as emails, handwritten notes, or photographs.

Reports of Disrespectful Conduct, including Bullying or Harassment shall be made in good faith. Reprisals against Complainants who report Disrespectful Conduct, including Bullying or Harassment will be investigated and may lead to disciplinary action up to and including termination of employment.

WMFN will take appropriate action to safeguard against the effects of unfounded or malicious allegations of Disrespectful Conduct, including Bullying, or Harassment. If there is evidence of false, frivolous, vindictive, or vexatious claims, this may lead to disciplinary action up to and including temporary suspension of Member Services.

Follow-up:

The Complainant will be asked whether they wish to pursue an informal or formal resolution process, and this choice will be respected on a best-effort basis.

In cases where alternate dispute resolution methods, such as facilitation or mediation, are appropriate, all parties will be expected to consider using such methods and making reasonable efforts to resolve the situation through these means.

An informal resolution process may not always be appropriate. Depending on the circumstances, there may be cases where there will be no other choice but to proceed with a formal investigation. For example, in cases of Bullying or Harassment.

Informal process: In some cases, a formal process or investigation may not be necessary. For example, an informal process may be sufficient when simply having someone speak to the Respondent on behalf of the Complainant or holding a facilitated meeting between the Respondent and Complainant prompts the Respondent to realize that the behaviour in question is not welcome and to commit to not engage in similar behaviour in the future and/or to take other corrective and/or restorative actions.

When the Respondent does not challenge the allegations made by the Complainant, is willing to cease or correct the behaviour, and a resolution acceptable to both parties is reached (an apology, training, etc.), it may not be necessary to conduct a formal investigation.

Possible informal resolution outcomes include:

- facilitation or mediation, if appropriate
- training
- a verbal or written apology
- reorganization of the service provision or working relationship
- regular follow-ups with the Complainant in order to ensure that the behaviour has ceased
- a combination of the above or any other resolution outcome agreeable to all

Formal process: An informal resolution process may not always be appropriate. For example, this may happen when the respondent does not agree with the factual allegations made against them or disputes that the behaviour was inappropriate under the circumstances. A formal investigation may also be required in light of the seriousness of the allegations.

The Investigation Procedures are set out below.



If, after an investigation, a complaint is found to be substantiated, WMFN will implement corrective and/or restorative measures in order to ensure Member Services delivery is free from harassment and bullying and prevent a reoccurrence of the incident(s). These measures may be disciplinary, non-disciplinary or both, depending on the circumstances. They include:

- an oral or written apology
- coaching or training
- restructuring of service delivery relationships or duties
- performance management
- any other appropriate measures or a combination of the above

After the investigation is completed, the Reporting Contact, in collaboration with the Investigator (where they are not the same individuals), will advise the Complainant and the Respondent of the results of the investigation and whether any corrective and/or restorative measures have been recommended as a result of the investigation.

The relationship between WMFN and its Employees is confidential, and the specific employee performance management that has been or will be taken as a result of an investigation will not be disclosed to Members or other third parties.

Following an investigation, the Director of Operations will review and revise member service procedures as necessary to reduce or prevent future problems. Appropriate corrective actions will be taken within the timeframe recommended by the Investigator, or in crisis circumstances, at the discretion of the Reporting Contact.

#### **Investigation Procedures:**

Where a formal resolution process is requested or required, this procedure applies. All reports will be taken seriously, and any Respondent accused of Bullying or Harassment will be subject to an immediate investigation.

Most investigations at WMFN will be conducted internally by the Reporting Contact. In complex or sensitive situations, or otherwise at the discretion of the Reporting Contact, another individual might be appointed, or external investigator might be hired.

Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the Complainant and Respondent equal treatment in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviews of the Complainant, Respondent, and any witnesses
- incorporate, where appropriate, any need or request from the Complainant or Respondent for assistance during the investigation process

Investigations will commence within ten (10) business days of the acknowledgement of the complaint and include interviews with the Complainant, the Respondent, and any witnesses. If the Complainant and the Respondent agree on what happened, then the Investigator will not investigate any further, and will move towards determining what corrective action to take, if necessary (see Informal Process above).

In instances that require further investigation, such as where the Complainant and Respondent have differing perspectives about the incident, the Investigator will seek and review any witness interviews and evidence, such as emails, handwritten notes, photographs, or physical evidence.

Reasonable efforts shall be made to maintain confidentiality regarding allegations made according to this policy, except where disclosure is required:

- to protect the safety of an individual
- by law
- to comply with professional reporting obligations.

Investigations will be concluded and recommendations for resolution or corrective action will be documented in a confidential report by the Investigator. This confidential report will be submitted to the Reporting Contact (if the Investigator and Reporting Contact are not the same individuals) within 30 days following the close of the fact gathering by the Investigator. This timeline is subject to extension, with written notice, by the Investigator.

A complete confidential file shall be kept on the matter. Investigation reports will be included in an employee's personnel file. If the claim is found to have no merit, the report will be removed from the employee's personnel file.

#### Roles and Responsibilities

The Director of Operations is responsible for ensuring member service investigation procedures are followed. If the Director of Operations is the Respondent or Complainant, the Chief will be responsible for ensuring the member service investigation procedures are followed.

The Reporting Contact shall conduct investigations and implement appropriate corrective action, if any. However, if the Chief is the Reporting Contact and conducts the investigation, the Chief shall provide a written report with conclusions and recommendations to Council and Council will implement appropriate corrective action, if any. To avoid possible Conflict of Interest and ensure leadership transparency, if a Council Member is the Respondent, the remainder of Council will serve as Reporting Contact but appoint an Investigator (either internal or external).

At the discretion of the Reporting Contact, external investigators may be hired to conduct investigations and provide a written report with conclusions and recommendations to the Reporting Contact to implement appropriate corrective action, if any.

#### Presence of Support Person:

Each of the Respondent and Complainant have the right to bring one (1) Support Person to meeting(s) held as part of this policy.

A Support Person may sit alongside the requesting individual to provide practical and emotional support during the process by helping to keep the requesting individual organized, calm and focused. Generally, a Support Person would be a trusted family member or friend.

A Support Person may:

- take notes;

- organize documents;
- make quiet suggestions to the individual they are supporting;
- provide emotional support;
- pay attention to the discussion.

A Support Person shall maintain in strict confidence all information they learn during meeting(s) held pursuant to this policy.

A Support Person shall not address the Reporting Contact or Investigator, or speak on behalf of the individual they are supporting, except in exceptional circumstances and only with advance permission of the Reporting Contact or Investigator, as the case may be.

A Support Person may be asked to leave if they do not follow this policy. If a Support Person is asked to leave for failure to follow this policy, the requesting individual may ask for a break to speak to their Support Person outside the meeting.

An attendee of the meeting may challenge the Support Person's presence prior to or at the start of a meeting, on the grounds that:

1. the person is a lawyer, paralegal, or paid advocate;
2. the person is a witness or materially involved in the process; or
3. it would be or might feel unfair or unsafe to the individuals attending the meeting in question.

After hearing the rationale from the objecting party, the Reporting Contact or Investigator shall decide whether to allow the Support Person to attend. If a Support Person is not allowed to attend, the requesting individual may ask the Reporting Contact or Investigator for a break to speak to their support person outside the meeting.

**REVIEWED & APPROVED**

This Member Services Policy has been reviewed and approved by a quorum of Council on July 23, 2024 coming into force on July 23, 2024

Councillor: Clarence Willson

Councillor: Robyn Fuller

Councillor: Theresa Davis

Councillor: Asher Atchiqua

This policy has been reviewed and amended by a quorum of Council:

Dates:




**WEST MOBERLY FIRST NATIONS**



**Member Services Complaint**

**Date:**

**Name and contact information of complainant:**

**Personal statement (use additional pages as required)**

Please describe in as much detail as possible the incident(s), including:

1. the names of the parties involved
2. any witnesses to the incident(s)
3. the location, date, and time of the incident(s)
4. details about the incident(s) (e.g. behaviour and/or words used)
5. what part of the Member and WMFN Employee Bill of Rights applies (see Member Services Policy for more information)
6. any additional details that would help with an investigation

Attach any supporting documents, such as emails, handwritten notes, or photographs.

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Signature of Complainant

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Signature of Reporting Contact