

**Reporting and Resolution Procedure****Document owner:**

People and Culture, Legal Services

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**Applicable to:**<sup>1</sup>CMA Enterprise staff, elected and appointed members<sup>2</sup>, contractors, students and visitors.**A. Overview**

All staff, elected, and appointed members, contractors, students and visitors (collectively “CMA Participants”) have the right to work in a dignified and respectful environment which is free from workplace harassment, discrimination and violence. It is the policy of the Canadian Medical Association (CMA) and the CMA Group of Companies (collectively “the Organization”) to address any form of inappropriate behavior, harassment, discrimination or violence in the “workplace” which includes any place where the Organization’s business is conducted (see detailed definition in the **Respect in the Workplace Policy**). Inappropriate behaviour, harassment, discrimination and violence in the workplace will not be tolerated under any circumstances.

It is vital that CMA participants report all conduct that is or threatens to be a breach of the Organization’s Respect in the Workplace Policy (the “Policy”).

**B. Confidentiality**

Being a party to a process under this Procedure can be extremely stressful and upsetting, and we take the privacy of those involved very seriously. While we recognize that there will be some exceptions to the strict rule of confidentiality (including, for example, where disclosure of information is necessary to properly pursue and resolve complaints made, or as might otherwise be required by law), it will generally be considered a violation of this Procedure to breach confidentiality. It is not the intention of this policy to hinder a party from obtaining the support that they require; however, confidentiality is an important aspect of maintaining the integrity of the process and the evidence to be gathered.

**C. Purpose**

The purpose of this Respect in the Workplace – Reporting and Resolution Procedure (the “Procedure”) is to:

- I. Describe how CMA participants can report conduct that is or threatens to be a breach of the Respect in the Workplace Policy;

<sup>1</sup> CMA Enterprise means the Canadian Medical Association, the CMA Foundation and CMA Impact Inc.

<sup>2</sup> This policy applies to any person elected to office or appointed to a committee or other body by the Organization.



- II. Provide for a prompt, effective and confidential response to a report of a breach of the Respect in the Workplace Policy; and
- III. Help ensure compliance with the Respect in the Workplace Policy.

### **D. Scope and Applicability**

This Procedure applies:

1. To all CMA participants, and
2. To all breaches or anticipated breaches of the Policy.

### **E. Responsibilities**

#### **CMA Human Resources and Compensation Committee and CEO**

The Human Resources and Compensation Committee (“HRCC”) and the CEO are responsible for overseeing the implementation of this Procedure, making its contents known to staff and elected and appointed members, ensuring that all complaints are pursued promptly and confidentially, and to report any formal complaints to the respective Board Chairs, for information.

#### **People and Culture and Legal Services**

People and Culture (PC) and Legal Services (in conjunction with the HRCC) are responsible for monitoring compliance with and reviewing this Procedure at least annually and as often as appropriate; have overall responsibility for the interpretation and implementation of this Procedure including, but not limited to, coordinating any related activities, and acting as a central repository of information for all matters arising out of the implementation of this Procedure.

#### **Reviewers**

Reviewers are responsible for conducting the process for formal complaints under the Policy. See ‘Complaint Procedures Depending on the Identify of the Respondent’ below for more details on appointed Reviewers.

#### **Advisors**

Advisors, such as your manager, department Vice-President, members of the Enterprise Leadership Team (ELT) and People and Culture staff, or, where the alleged offender is an elected/appointed member, the Chair of the Human Resources Committee (HRCC) or Chair of the CMA Board, are resources who may provide assistance, such as bringing the matter forward to a Reviewer as may be required. Advisors will maintain strict confidentiality.

#### **CMA Participants will:**

- I. Report breaches of the Policy to their Manager, department Vice-President, a member of the Enterprise Leadership Team, a Reviewer, a member of the People and Culture Department, or, where



the complainant/alleged offender is an elected or appointed member, to the Chair of the HRCC or Chair of the Board, immediately or as soon as possible; and

- II. Cooperate with any internal reviewers or external investigators as required.

### **The People and Culture department will:**

- I. Ensure that the intent and requirements of this Procedure are communicated to all existing and new CMA Participants, and, for Board and Organizational activities, will work with the Legal Services and Governance Departments to ensure appropriate distribution/knowledge of this Procedure;
- II. Provide support to all by providing information and referral to outside support as required; and
- III. Maintain strict confidentiality throughout the process

### **The Organization will:**

- I. Support and comply with the requirements set out in this Procedure;
- II. Ensure that the appropriate individuals receive notification of an incident of Workplace Harassment, Workplace Discrimination or Workplace Violence as required;
- III. Advise CMA participants to consult a health care professional of their choice for treatment or referral if they report an injury or adverse symptom resulting from Workplace Harassment, Workplace Discrimination or Workplace Violence or is exposed to Workplace Harassment, Workplace Discrimination or Workplace Violence;
- IV. Promptly pursue all incidents/complaints of Workplace Harassment, Workplace Discrimination or Workplace Violence and all incidents and complaints in accordance with the process outlined in this Procedure;
- V. Be cognizant of warning signs of Workplace Harassment, Workplace Discrimination or Workplace Violence such as; reduced productivity, changes in behaviour, rumours, increased sick leave, increased resignations, or sudden changes in performance evaluations; and
- VI. Report matters to the police when appropriate.

### **F. Reporting Incidents, Threats, Complaints of Workplace Harassment, Workplace Discrimination or Workplace Violence**

The Organization encourages reporting of all allegations of Workplace Harassment, Workplace Discrimination or Workplace Violence regardless of who the offender might be.

Implementation of this Procedure does not prohibit or restrict in any manner any CMA participant from reporting incidents of Workplace Harassment, Workplace Discrimination or Workplace Violence to any other authority, governmental or otherwise.



## G. Reporting and Resolution Options

This Procedure outlines four ways in which someone (“complainant”) who has been subjected to conduct that breaches the Policy (“offending conduct”) by another person (“respondent”) may choose to report and/or resolve the issue. A person who has been subjected to or is aware of offending conduct may utilize any of the following procedures:

1. Resolving the issue directly with the person who is responsible for the offending conduct;
2. Reporting the offending conduct to People and Culture, their manager, department Vice-President, a member of the Enterprise Leadership Team, CMA Legal Department or, where the complainant/alleged offender is an elected or appointed member, to the Chair of the HRCC or Chair of the Board. When these individuals are the recipients of such a complaint/report, they will engage People and Culture (if People and Culture is not already involved) to seek to resolve the issue with the complainants and the respondent.
3. Initiating a formal complaint and reporting the offending conduct to a Reviewer;
4. Using the anonymous Integrity Action Line.

### Resolving the Issue Yourself

In some situations, simply informing the person that their offending conduct is unwelcome will resolve the issue. Telling the person to ‘stop’ may be difficult to do, but frequently it is the most effective means of eliminating the behaviour. However, no one should feel obligated to resolve a breach of the Policy alone. The Organization will support and assist anyone who is being subjected to offending conduct.

### Resolution with the Help of People and Culture (and other advisors)

If you do not wish to speak directly to the person exhibiting the offending conduct (or if you speak to the person but the offending conduct persists, or if you feel that, as a result of speaking to the respondent, you have been subjected to retaliatory behaviour) you can discuss the offending conduct with People and Culture/other advisors. They are available to clarify the options available to you, assist in trying to resolve the situation on an amicable basis should you wish to do so, and identify appropriate counselling or support services provided by the Organization or third parties (such as the Employee Assistance Program).

After your discussion with People and Culture, you may wish to have them address the offending conduct with the respondent or accompany you should you choose to speak to the respondent directly.

People and Culture may (after conferring with you) discuss the matter confidentially with other advisors such as CMA Legal Department, your department Vice-President, a member of the Enterprise Leadership Team or the CEO where appropriate. In particularly serious circumstances (for example, where there are previous complaints or incidents involving the person complained of or in cases involving allegations of inappropriate physical contact), People and Culture may without your consent request that a Reviewer(s) pursue the matter.

In every case where People and Culture addresses the matter informally, they will provide you with progress reports.

People and Culture will complete this informal resolution procedure as soon as possible, unless a longer period is appropriate in the circumstances. In this case, they will notify you of the proposed time frame.



### Reporting to a Reviewer

You may decide to make a formal complaint under this Procedure to an appointed Reviewer at any time. A formal complaint may be made whether or not you have spoken to a People and Culture or another resource such as your manager, Vice-President, etc. You may also make a formal complaint in the event that an informal resolution procedure has not resolved the matter to your satisfaction.

Your formal complaint can be made verbally or in writing.

Upon receipt of a report, the Reviewer(s) will determine whether the conduct complained of falls within the scope of this Procedure. In the event they determine that it does not, the Reviewer(s) shall:

- i. Provide a written recommendation to the CEO as applicable outlining the reasons why the reported conduct does not fall within the scope of the Policy and Procedure; and
- ii. Advise the person making the report of the reasons for the decision and provide alternate resources and/or support, as required.

Where the Reviewer(s) determines that a report falls within the scope of this Procedure, the Reviewer(s) shall initiate the process as outlined below (see “section H- Process Parameters” for more details).

### Reporting through the Anonymous Integrity Action Line

It might be the case that an individual wants to raise a concern but does not feel comfortable having their identity revealed to the alleged offender or chooses to make an anonymous report through the electronic web based third party service provider, Integrity Action Line. Reports should be supported by written documentation where available and possible.

If the anonymous report is submitted electronically, the report is transmitted automatically to assigned “Reviewers,” either the Vice-President, People and Culture or the Vice-President, Legal Services, Legal Counsel, and Chief Privacy Officer, depending on the issue. The Reviewers will provide the Reviewer (identity determined as set out in this Procedure) with a copy of the anonymous report and in collaboration with the Reviewer, perform an initial assessment.

Anonymous reports may not necessarily lead to formal complaints. In assessing an anonymous report, a Reviewer may attempt to seek further details and context about the alleged conduct and confirm that the anonymous reporter or the complainant, if different than the anonymous reporter, wishes to pursue a formal complaint. As a matter of fairness, where there are insufficient particulars and/or multiple sources to substantiate the anonymous report, the Reviewer might ask the anonymous reporter to become an identified complainant or might decline to pursue the matter further as a formal complaint under this policy.

### Initiate Process in the Absence of a Report

The Reviewer(s) may, in their absolute discretion, initiate the process in any circumstance where it would be appropriate even in the absence of a report. The process in such circumstances will be initiated in the interest of ensuring that the organization and its participants are free from breaches of the Policy.

#### Process Parameters

- The Reviewer(s) are appointed depending on the identify of the respondent (alleged offender).
- The process will be completed as expeditiously as possible.
- All administrative matters arising during the course of the process will be facilitated by the Reviewer(s).
- At the request of the Reviewer(s), the CEO may designate an alternate person to act on behalf of the



Reviewer if they are temporarily unable to fulfill their duties under this Procedure.

- A Reviewer who finds themselves in a conflict of interest due to the nature of their relationship with either the complainant or the alleged offender should remove themselves from the process and forward the complaint to a person in a similar level as themselves. The Reviewer may decide to assign staff and/or retain a third-party agent or investigator external to the Organization to assist in or conduct the process. It is the responsibility of the Reviewer to notify the parties of the decision regarding conflict of interest.
- In some circumstances, such as where the CEO is the alleged offender or depending on the nature of a complaint, the Organization may at its discretion engage someone external to the Organization to act as an Investigator and conduct the process. The Organization fully recognizes that external expertise may be required and appropriate in certain instances and may retain external resources to assist in its oversight of the Policy and Procedure at any juncture. In such cases, the external Investigator would replace the Reviewer role.

### **Complaint Submission Process Depending on the Identity of the Respondent (alleged offender):**

If the issue remains unresolved after discussion or if the complainant does not feel comfortable speaking with the alleged offender, the following steps should be undertaken. Maintain a written record of the dates, times and nature of the offensive behaviour and any witness who was present. Submit this information with your complaint.

The flowcharts, included at the end of the Procedure, provide an overview of the different complaint procedures and Reviewer depending on the identity of the alleged offender:

- a. When the complaint is made against the CEO, submit the complaint to the Chair of the HRCC who will assume the role of Reviewer. If the Chair of the HRCC is the complainant against the CEO, they should submit the complaint to the designated alternate member of the Human Resources and Compensation Committee (typically Chair of the Audit and Finance Committee) who will assume the role of Reviewer.
- b. When the complaint is made against an elected/appointed member, other than the Chair of the HRCC, submit the complaint to the Chair of the HRCC who will assume the role of Reviewer. If the Chair of the HRCC is the complainant against another member, they should submit the complaint to the designated alternate member of the Human Resources and Compensation Committee (typically the Chair of the Audit and Finance Committee) who will assume the role of Reviewer.
- c. When the complaint is made against the Chair of the HRCC, submit the complaint to the designated alternate member of the HRCC (typically the Chair of the Audit and Finance Committee) who will assume the role of Reviewer.
- d. When the complaint is made against an employee other than the Executive Vice-President, Corporate Services, COO & CFO, submit the complaint to the Executive Vice-President, Corporate Services, COO & CFO who (or their designate) will assume the role of Reviewer. The Executive Vice-President, Corporate Services, COO & CFO (or their designate) will in turn provide the CEO with a copy of the complaint because the CEO is responsible for overall implementation of the Policy at the staff level.





- e. When the complaint is made against the Executive Vice-President, Corporate Services, COO & CFO, submit the complaint to the CEO who (or their designate) will assume the role of Reviewer.

### **Process Components:**

In the course of the process, the Reviewer will:

- Notify the appropriate individuals, as to the initiation of the process;
- Assess as described above that there are sufficient particulars to proceed if the complaint were made anonymously.
- Interview the complainant and the alleged offender to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;
- Interview witnesses, if any;
- Obtain from the complainant, the alleged offender and witnesses, if any, a written statement;
- Review any related documentation;
- Make detailed notes of the process and maintain them in a confidential file;

Every attempt shall be made to complete the process in a timely manner, having regard to such factors as the complexity of the matter and the number and availability of witnesses.

The Reviewer may prepare and submit a report summarizing the facts and findings. In such event, copies of the final report will be provided to People and Culture (and the CEO) and, in the case of an elected and appointed member, to the Board Chair of the appropriate board (with a copy to the CMA Board Chair).

Upon completion of the process, the complainant and the alleged offender will be informed of the findings of the process and any corrective action that has been or will be taken. The flowcharts, included at the end of the Procedure, provide an overview of the different complaint procedures, Reviewers and who determines the corrective action depending on the identity of the alleged offender.

### **Separation of the respondent from the complainant during the course of the process:**

Reviewers should take all necessary steps to physically separate the complainant from the respondent during the course of the process, if necessary, when the complaints are not frivolous on their face and in doing so, preserve the confidentiality of the process. These steps could include any of the following:

- moving the parties to separate physical locations within the premises;
- changing the reporting relationships of the parties;
- changing the hours of work of the parties;
- providing that the parties may not be in one another's presence without a third-party;
- providing that one or both parties will work from home during the process;
- placing the complainant on leave; or
- placing the alleged offender on leave.

### **Limitation Period**

The Reviewer may decline to pursue complaints that concern conduct that allegedly took place more than one year prior to the receipt of the complaint. This limitation period does not constrain the Reviewer from inquiring into complaints about ongoing misconduct.



## **H. Corrective Action**

Upon the conclusion of the process, if it is determined that the Policy has been contravened, corrective action may include one or more of the following:

- i. Discipline, such as verbal warning, written warning or suspension without pay;
- ii. Termination of employment, with or without cause;
- iii. Request for resignation
- iv. removal from elected or appointed office, in accordance with CMA's By-laws and Operating Rules and Procedures;
- v. Referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect;
- vi. A demotion or denial of a promotion;
- vii. Reassignment or transfer;
- viii. Financial penalties such as the denial of a bonus or performance related salary increase;
- ix. Any other disciplinary or administrative action deemed appropriate under the circumstances.

## **I. Withdrawal of a Complaint**

A complainant may at any stage withdraw a report of conduct that they believe breaches the Policy. The Reviewer(s), however, remain obligated to pursue the matter if they believe that continuing the process is required to comply with statutory requirements or otherwise appropriate in the interest of ensuring that the Organization is free from breaches of the Policy.

## **J. Incidents, Threats and Complaints of Workplace Harassment, Workplace Discrimination or Workplace Violence by non-CMA participants**

The Organization will support and assist any CMA Participant who believes that he or she has been subject to Workplace Harassment, Workplace Discrimination or Workplace Violence by any person interacting with the organization during the course of its business. This includes visitors, clients, contractors, vendors and members of other related organizations.

If you believe that you have been subject to Workplace Harassment, Workplace Discrimination or Workplace Violence by a non-CMA participant in the course of your CMA-related business with that person, you may bring your concerns forward per this Procedure.

## **K. Reprisal**

The Organization will not permit any form of reprisal against any CMA participant who participates in good faith in any aspect of this procedure and the Reviewer(s) (or designate) is responsible for taking all reasonable measures to ensure that there is no retaliatory behaviour as a consequence of such participation.

## **L. Posting and Reporting Requirements**

This Procedure will be posted on the Organization's intranet site and on other appropriate channels across the enterprise to ensure appropriate distribution and knowledge.





**M. Related Policies and Procedures**

1. Respect in the Workplace Policy
2. Integrity Action Line
3. Civility Standards Policy
4. Workplace Risk Assessment

[See Flowcharts below]



**\*Formal Complaint made against an employee other than the CEO**










All cases except complaints against EVP, Corporate Services, COO & CFO	Complaints against EVP, Corporate Services, COO & CFO
Complainant	Complainant
↓	↓
EVP, Corporate Services, COO & CFO (or designate) Reviewer – copy of complaint to CEO	CEO (or designate) Reviewer
↓	↓
Process initiated and preparation of report	Process initiated and preparation of report
↓	↓
[CEO (and People & Culture) receives the report, determines corrective action, and communicates decision to the Parties	CEO (and People & Culture) communicates decision to the Parties

**\*Formal complaints for enterprise staff will be reported to the HRCC. Formal complaints for the CEO of the subsidiary Boards and any Officers appointed by the subsidiary Boards will be reported to the respective Boards via the Chair, HRCC.**

\*\*The organization, at its discretion, may choose to engage an external Investigator, as may be deemed appropriate, to pursue any formal complaints. In such cases, the external Investigator will replace the Reviewer role.



**\*Formal Complaint made against the CEO or a Member**

Complaint against CEO	Complaint against an appointed/ elected member other than the Chair of HRCC	Complaint against Chair of HRCC
Complainant	Complainant	Complainant
		
Chair of HRCC Reviewer	Chair of HRCC Reviewer  Note: Designated alternate HRCC Member is the Reviewer when the Chair of HRCC is the complainant (typically the Chair of the Audit and Finance Committee)	Designated alternate HRCC Member (typically the Chair of the Audit and Finance Committee) Reviewer
		
Process Initiated and preparation of report	Process initiated and preparation of report	Process initiated and preparation of report
		
Chair of the CMA Board receives the report and determines corrective action Communicates Decision to the Parties and advises the CMA and subsidiary Boards	Chair of the appropriate Board receives the report (with a copy to the CMA Board Chair) and determines corrective action (where Chair is not the complainant or alleged offender*). Communicates Decision to the Parties (*Where Chair of the CMA Board is a complainant or alleged offender, the CMA Vice-Chair will receive the report and communicate the decision).	Chair of the CMA Board receives the report and determines corrective action Communicates Decision to the Parties and advises the CMA Board (as may be appropriate).

**\*Formal member complaints will be reported to the HRCC and the respective Boards (as appropriate)**

\*\*The organization, at its discretion, may choose to engage an external Investigator, as may be deemed appropriate, to pursue any formal complaints. In such cases, the external Investigator will replace the Reviewer role.