



## Policy on Conduct

Effective Date: April 2021

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- 1. Purpose and Scope** The purpose of this policy is to provide a framework for acceptable conduct within the Institute. It applies to all Institute members, and includes guidelines on what is expected; how to deal with bias when acting in an adjudicative capacity; and how complaints, disputes, and misconduct will be addressed. Disputes between members and staff are addressed in the Policy on Institute Staff.
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- 2. Principles of Good Conduct** Union solidarity is based on the principle that all union members are equal and deserve mutual respect. Any behavior that creates conflict prevents us from working to strengthen our solidarity and the labor movement.
- As Professionals and Unionists, we act in accordance with the PIPSC values in all our dealings with each other and on behalf of PIPSC:
- **Respect** as the basis for our dealings with members, employees, colleagues, and employers. It means being sensitive and responsive to the rights of individuals.
  - **Integrity** as a cornerstone of our organization. It means that the Institute and its members act with honesty and fairness based on sound moral and ethical principles.
  - **Co-operation** as the foundation for meeting the challenges of the future. It means building partnerships and working together toward common goals.
  - **Accountability** as our commitment to ensure all of our values are respected. It means informing our members of our actions and being answerable to them for those actions.
- Members are strongly encouraged to attempt to resolve differences through collaborative, cooperative means instead of using adversary methods of filing formal complaints.
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- 3. Harassment or Discrimination** The Institute, as a union and as an employer, will provide and maintain a harassment-free environment for all its employees and members at all Institute-related activities. The Institute will not tolerate discrimination or harassment by or against any Institute member or employee. False complaints made with malicious intent are in themselves harassment. Retaliation against an individual for having invoked this policy (whether on behalf of oneself or another individual), or for having participated or cooperated in any investigation under this policy, or for having been associated with a person who has invoked this policy or participated in these procedures will be treated as harassment.
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Any employee or member who witnesses harassment taking place in any form at Institute activities must take appropriate steps to end the harassment. The Institute encourages reporting of all incidents of harassment, regardless of who the offender might be.

Complaints of harassment or discrimination shall be filed in accordance with the Formal Disputes between Members or Allegations of Misconduct section of this policy.

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#### **4. Informal Dispute Resolution**

The Institute will promote the resolution of disputes through dialogue, cooperation, respect and understanding. The Institute will consider all requests for assistance in resolving disputes and conflicts between members. This includes, but is not limited to informal intervention, coaching, mediation, facilitated discussion and other.

No formal allegation of misconduct need be filed in order for members to seek assistance with conflict resolution.

Where appropriate, a formal investigation process may be put on hold to allow the parties to seek an informal resolution to their dispute.

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#### **5. Conflict of Interest**

Elected and appointed representatives of the Institute, including Board Members, are expected to conduct union business in a fair and transparent manner, and to avoid real or perceived conflicts of interest.

In addition, Board Members must comply with the Policy on Conflict of Interest for Institute Board Members.

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#### **6. Formal Disputes between Members or Allegations of Misconduct Against Members**

This section applies to all Institute members with the exception of the President and Vice-Presidents; disciplinary measures for the President and Vice-Presidents are covered in the Policy on President and Vice-President Terms and Conditions.

Formal allegations of misconduct warranting discipline as set out in Bylaw 24 must be submitted in writing to the Office of the General Counsel, clearly stating the allegation(s). Where the General Counsel determines the complaint to be frivolous, vexatious or without merit, the General Counsel may dismiss the complaint summarily. Allegations relating to events having occurred more than 2 years prior to the allegations being made will generally be dismissed summarily.

In all other cases, the General Counsel shall determine, in consultation with the President: a) the most appropriate course of action given all the circumstances; and b) whether a Panel of Peers, consisting of three (3) members, should be designated, and its composition.

Panels of Peers shall be designated from a Member Conduct Roster composed of 12 to 15 Regular or Retired members who do not concurrently hold office as a member of the Board of Directors, or a President or Vice-President of a constituent body. The Member Conduct Roster is established by the Board of

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Directors on a triennial basis, following a recommendation by General Counsel. The Board of Directors, in establishing the Roster, shall consider primarily the skills and competencies of the candidates, and, where possible, attempt to find some balance across regions and groups. The General Counsel shall be responsible for designating each panel of peers, in such a manner as to ensure an unbiased consideration of each case. **BOD – April 2021**

In any case, the designated Panel of Peers may determine that corrective measures, short of suspension and expulsion from office(s) or membership, should apply. The Office of the General Counsel shall assist and advise each Panel. The Panel of Peers shall make decisions that are not arbitrary, discriminatory or in bad faith. Members of the Board of Directors shall not act as representatives of any Institute member in relation to any matter at any stage of the process.

No member shall be suspended or expelled from office or membership unless an investigation has been conducted.

Where an investigation is warranted, the investigator will submit a preliminary report to the General Counsel. A copy of the investigator's preliminary report will be provided to all complainants and respondents, who will be given an opportunity to comment in writing on the investigator's report.

The General Counsel shall provide the investigator's final report, along with any written submissions of the parties, to the Panel of Peers for consideration.

The parties to these matters shall be informed in writing of the decision of the designated Panel of Peers, except that only the person(s) being disciplined shall be informed as to the corrective measure.

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## 7. Appeals

Within fourteen (14) days of receipt of any decision of the designated Panel of Peers imposing suspension or expulsion from office or membership, the disciplined member(s) may appeal by written submission to the COO and Executive Secretary. Such submissions shall be limited to no more than five (5) pages double-spaced.

Upon receipt of appeal submissions, the COO and Executive Secretary shall mandate a third-party neutral to dispose of the appeal as expeditiously as possible. The third-party shall be selected from a standing list of neutrals established and administered by the Office of the COO. The Institute will bear the costs of retaining the third-party neutral.

The third-party neutral will establish the process to be followed in each case, while ensuring procedural fairness and a review of the facts and all arguments made by the parties. For example, the third-party neutral may elect to determine the appeal on the basis of written submissions, hear arguments or testimony via tele/video-conference, or hear viva voce testimony.

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Where an appeal is filed, the General Counsel or its delegate shall advocate on behalf of the Institute.

The Institute will not be responsible for costs incurred by a member in relation to such appeal.

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**8. Suspension or  
Expulsion from  
Office or  
Membership of  
Members of the  
Board of Directors**

In cases where the Panel of Peers determines that suspension or expulsion from office or membership is an appropriate corrective measure to be imposed upon a member of the Board of Directors, including the Executive Committee, such decision shall be subject to appeal as set out above .

If, at appeal, it is determined that suspension or expulsion from office or membership is appropriate, the Board of Directors shall immediately be informed and shall, at its next regular meeting, resolve to call a Special General Meeting for the purpose of considering the proposed suspension or expulsion from office or membership.

If no appeal is sought, the General Counsel shall inform the Board of Directors of the decision of the Panel of Peers. The Board of Directors shall, at its next regular meeting, resolve to call a Special General Meeting for the purpose of considering the proposed suspension or expulsion from office or membership.

Suspension or expulsion from office or membership of a member of the Board of Directors may only occur by ordinary resolution at a Special General Meeting.

Where the delegates of the Special General Meeting defeat such resolution, the matter shall be referred back to the Panel of Peers for a re-determination of an alternate disciplinary measure to be imposed on the member of the Board of Directors. **BOD – Dec 2019**

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**9. Member Complaints  
to Outside Bodies**

Where a member, or members, refers a matter which has been or ought to have been referred to the Institute's internal procedure to an outside process or proceeding for consideration, the Institute shall follow the process outlined in appendix A.

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**10. References**

[Complaint Form](#)

Appendix A – Procedure for Member Complaints to Outside Bodies

By-Law 24 Discipline

Procedure for dealing with Member complaints or allegations of misconduct

Guideline of Investigation Standards

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The Professional Institute  
of the Public Service  
of Canada

L'Institut professionnel  
de la fonction publique  
du Canada



## Appendix A to the Policy on Conduct: officesupplies@pipsc.ca Procedure for Member Complaints to Outside Bodies

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### **Applicability**

This policy will apply if a member refers to any outside process a matter that has been or ought to have been considered by the PIPSC internal procedures. Outside processes or proceedings means, but is not limited to, recourse to:

- the Supreme Court of Canada;
- the Federal Court of Appeal;
- the Federal Court;
- the Court of Appeal of any Province or Territory;
- the Superior Court of any Province or Territory;
- any Provincial or Territorial Court;
- the Public Service Labour Relations Board;
- any other federal commission, board or tribunal;
- any Provincial or Territorial board or tribunal; or
- any other non-PIPSC decision-making body.

This process will not necessarily apply if PIPSC and the member or members voluntarily and jointly agree to refer a matter in dispute to an outside process. However, for such a referral to be effective there must be a joint memorandum of referral signed by the member or members and duly authorized officers of the Institute.

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### **Constitution of a Special Committee**

Where a member, or members, refers a matter which has been or ought to have been referred to the Institute's internal procedure to an outside process or proceeding for consideration, the following process shall occur:

The matter shall be referred immediately on receipt by the Institute of the document referring the matter to an outside body, to a Special Committee comprised of the COO and Executive Secretary, the General Counsel and a third person who shall be an experienced lawyer selected by the COO and Executive Secretary and the General Counsel.

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### **Review by the Special Committee**

The Special Committee shall review the referred document and consider the following factors:

1. the Elected or Appointed positions held by the person(s) who filed the complaint to an outside body;
  2. the nature of the complaint filed by that person(s) and;
  3. whether the nature of the positions held and the nature of the complaint, in each instance, raise concerns as to whether or not the person(s) filing the
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complaint would be able to fulfill the functions of their positions free of any conflicts and without breaching their duty of loyalty to the Institute.

The Special Committee shall convene a meeting in person or by teleconference to consider the matter within no more than ten (10) Institute working days from the date on which the Institute first became aware of the filing of the complaint to an outside body by the member(s) in question.

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**Recommendation to the Executive Committee**

The Special Committee shall make a recommendation to the Executive Committee of the Institute as soon as possible but no later than ten (10) Institute working days after the conclusion of its meeting referred to above. The recommendations shall address, with reasons, what steps, if any, the Executive Committee ought to take with respect to any or all the positions held by the member(s).

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**Review by the Executive Committee**

The Executive Committee shall receive the recommendation of the Special Committee along with the other supporting documents including the complaint to an outside body filed by the member(s). The Executive Committee shall convene as soon as possible after receipt of these documents and no later than ten (10) Institute working days to consider what, if any, action to take. Upon receipt of the recommendation of the Special Committee, the Executive Committee shall advise the member(s) of the receipt of the file and shall enquire of the member(s) in question whether or not they wish to make submissions to the Executive Committee on the question of whether or not the filing of the complaint should lead to any action by the Institute including the suspension from one or all of the positions held by the member(s). The submission by the member(s) shall be no longer than five (5) pages double spaced and may be in the official language of choice of the member(s). It is to be noted that the member(s) is not obligated to provide such submissions. The submission is to be provided within ten (10) Institute working days from the date the Executive Committee notifies the member(s) of the receipt of the file.

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**Determination by the Executive Committee**

The Executive Committee shall make a determination with respect to what action it shall take and, once the decision is taken, shall be implemented forthwith.

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**Communication to the Board**

The decision of the Executive Committee along with all supporting documents shall be provided to the Board of Directors in time for its next regular meeting. The member(s) in question shall be notified of the decision of the Executive Committee and shall be advised that they have a right to appeal to the Board of Directors the decision taken by the Executive Committee. Such appeal shall be filed within ten (10) Institute working days of the receipt by the member(s) of the decision of the Executive Committee. The Board of Directors' decision with respect to the appeal shall be final and binding and is not subject to any appeal to any other body of the Institute.

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