

Respectful Workplace Policy Evaluation

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**Government of Yukon
Public Service Commission**

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Executive Summary

BACKGROUND

The Respectful Workplace Policy (the Policy) was developed in 2013 by the Government of Yukon in consultation with the Yukon Teachers' Association and the Yukon Employees' Union. The Policy replaced the Workplace Harassment Prevention and Resolution Policy with alternative dispute resolution processes, which are considered more effective in promoting a respectful, healthy and well-functioning workplace. Underlying the Policy is the expectation that all government employees, whatever their positions or functions, have a responsibility to make sure that every employee with whom they interact receives the respect they deserve and need.

The Policy is overseen by a Steering Committee, chaired by the Public Service Commissioner, which includes members from the Yukon Employees' Union, the Yukon Teachers' Association, the Aboriginal Employees' Forum, the deputy minister community and the human resource community. To facilitate implementation of the Policy, the Respectful Workplace Office (RWO) was established as a separate branch within the Public Service Commission. The mandate of the RWO is to be a resource for employees experiencing disrespect in the workplace and for those with the responsibility to manage workplace conflict; assess concerns about disrespectful conduct in the workplace; and determine and manage the appropriate process to address those concerns.

EVALUATION OBJECTIVE AND METHODOLOGIES

The purpose of the evaluation was to undertake an independent review of the Policy and activities undertaken in support of the Policy by the RWO. The evaluation addressed issues related to need, achieved results, design and delivery of activities, and resources. The methodology involved a variety of primary and secondary data sources including a review of files, documents and data collected by the RWO, a review of literature and policies in other jurisdictions; a survey of 262 clients; follow up interviews with 67 clients who participated in the survey; interviews with 34 key collaborators; and two focus groups: one with Steering Committee members, and one with RWO practitioners.

EVALUATION FINDINGS

Relevance

There is strong support from stakeholders and clients for a neutral, third party such as the RWO. The RWO plays an important role in helping government workers deal with conflict and disrespectful conduct, building organizational capacity, and promoting respectful, healthy and well-functioning workplaces. Literature suggests that such services are important because they can help improve employee engagement, which in turn leads to improved collaboration, increased productivity, increased employee retention, and the creation of more welcoming workplaces for attracting and retaining millennials.

In Yukon, demand for RWO services is strong. Over 1,100 cases have been opened during the first five years following implementation. As awareness of the RWO office increased so did the referrals. The demand for services under the Policy is driven largely by awareness and understanding of the Policy and the RWO, and the level of buy-in from management and other key departmental stakeholders. Although the demand for services is relatively strong, some key collaborators and clients suggested that awareness and understanding of the Policy and the services of the RWO remain low.

Design and Delivery

Overall, clients were generally satisfied with the treatment that they received from the RWO. Clients were most likely to agree that they were listened to and understood by the conflict management practitioners (72% agreed or strongly agreed with the statement), and that they were satisfied with how RWO treated them personally throughout the process (68% strongly agreed or agreed).

The process is generally timely. Fifty-eight percent of clients indicated that the RWO kept them up to date in a timely manner with how things were proceeding (25% disagreed). RWO data indicates that over two-thirds of the case files have been closed within six months and over two thirds of the individual files have been closed within three months. There are no waiting lists.

Clients' opinions were mixed regarding the process itself. Of the clients who were surveyed, 54% agreed that the RWO process was helpful (28% disagreed) and 52% agreed that they were satisfied with the RWO process (35% disagreed). The most common concerns raised were that the process had not resulted in the tangible outcome they expected or desired, the outcomes of the process were not transparent (e.g. clients were not informed about the result of the process or if any action was taken), and the follow-up process failed to achieve its intended objectives.

The credibility of the RWO is strongly linked to its perceived neutrality and the perceived fairness of the process. While over half of the clients surveyed (56%) agreed or strongly agreed that the RWO process was fair to everyone involved, only about one-third of the clients (35%) felt they were heard by the other party or person involved in the conflict. Many managers and employees perceived the RWO as biased towards the other group rather than neutral.

The RWO effectively collaborates with other parties through the Integrated Case Management Committee, particularly in dealing with complex cases that may include health concerns, and through collaborative case management, where RWO works with the union, human resource consultants or other branches of the Public Service Commission to address workplace conflict. While the Steering Committee has provided some valuable support and direction to the RWO, the contribution of the Committee could be strengthened by holding more frequent meetings, having members take on more of an advocacy role, and involving a broader cross-section of representatives from the deputy minister and human resource communities in its activities.

Outcomes

The services and support provided by RWO are appropriate given the objectives of the Policy and the type and nature of the issues referred to the RWO. Over 70% of the clients who were interviewed

reported that they used conflict coaching services from the RWO to help them build skills and strategies to communicate and deal proactively with conflict. They reported that RWO services helped them to gain a better understanding of the underlying issues, improve their communication skills, and work collaboratively with others to improve the situation. Clients also reported that the services have increased their capacity to manage conflict in a constructive way.

Workshops and training sessions have been particularly effective in encouraging the conversation and promoting collective responsibility to create respectful, inclusive and healthy workplaces. The Blanket Exercise has been very effective in engaging Yukon employees to learn about Indigenous history and reflect on the guiding principles of truth and reconciliation.

The literature review and interviews with clients and key collaborators point to a number of key success factors that contribute to achieving and sustaining respectful, healthy workplaces. These include maintaining strong relationships with senior management and human resources consultants; taking a proactive rather than reactive approach to building capacity; providing conflict resolution training and promoting respectful workplaces; and implementing on-going communication about the Policy, principles and the benefits of alternative dispute resolution approach. Other best practices identified include the importance of recognizing and better understanding unique aspects of working conditions and specific situations and adjusting the approach to conflict resolution accordingly; addressing misconceptions or negative perceptions about the Policy; and recognizing that not all concerns can be addressed through alternative dispute resolution.

Resources

The budget for the RWO has remained relatively stable over the five-year evaluation period (2013-2018). Additional funding will likely be required to enable the RWO to adequately respond to increasing demand for services while building stronger relationships with departments, increasing awareness of the services, and supporting RWO staff through professional development and self-care. Some resources should be allocated to establishing and documenting processes, procedures and protocols; strengthening reporting capabilities; supporting the RWO Director succession process; and onboarding new conflict management practitioners. The costs are likely largely or fully offset by the savings generated through improvements in Government of Yukon workplaces.

RECOMMENDATIONS

The RWO and the Steering Committee should consider implementing the following recommendations:

1. Develop a conflict management process map to provide more clarity on when and how to engage with the RWO.
2. Improve perceptions about the transparency and neutrality of the RWO process by developing clear protocols for triaging and processing cases based on their level of complexity and need.
3. Consider strengthening the authority of the RWO in the Policy, particularly in the follow-up process.
4. Develop marketing and communication materials for online and physical distribution.

5. Increase efforts and resources to build relationships and trust with departmental staff, focusing on human resource consultants and senior management, and deliver capacity building services.
6. Pursue opportunities to integrate RWO workshops and training with other professional development opportunities available for Government of Yukon employees.
7. Develop a performance measurement framework and strengthen reporting.

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LIST OF ACRONYMS:

ADR - Alternative Dispute Resolution
 AEF – Aboriginal Employees’ Forum
 CCM – Collaborative Case Management
 ESDC – Employment and Social Development Canada
 GAM – General Administration Manual
 HR – Human Resources
 ICM – Integrated Case Management
 PSC - Public Service Commission
 RWO – Respectful Workplace Office
 SC – Steering Committee
 YBS – Yukon Bureau of Statistics
 YEU - Yukon Employees’ Union
 YTA - Yukon Teachers’ Association

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1.0 Introduction

1.1 Background

The Respectful Workplace Policy (the Policy) was launched by the Yukon government in 2013 to replace the Workplace Harassment Prevention and Resolution Policy, which had taken an adversarial approach to addressing workplace conflict. The new Policy employs alternative dispute resolution (ADR) processes, which are considered more effective in promoting a respectful, healthy and well-functioning workplace. Underlying this Policy is the expectation that all government employees, whatever their positions or functions, have a responsibility to make sure that every employee with whom they interact receives the respect they deserve and need.

To facilitate implementation of the Policy, the Respectful Workplace Office (RWO) was established as a separate branch within the Public Service Commission (PSC). The mandate of the RWO is to be a resource for employees experiencing disrespect in the workplace and for those with the responsibility to manage workplace conflict; assess concerns about disrespectful conduct in the workplace; and determine and manage the appropriate process to address those concerns.

The Policy was developed in consultation with the Yukon Teachers' Association (YTA) and the Yukon Employees' Union (YEU). The new process was enshrined into the collective agreements of the YTA (Article 39) and the YEU (Articles 05 and 06), replacing harassment grievance provisions which had been incorporated into previous agreements.

1.2 Evaluation Objective

The purpose of this project was to undertake an independent evaluation of the Yukon government's Respectful Workplace Policy and the activities undertaken in support of the Policy by the RWO. The scope of the evaluation included assessing the implementation of the General Administration Manual Policy (GAM 3.47), including the conflict management system established by the Policy, and programming and services delivered by the RWO. The evaluation fulfills the requirement set by Section 9.2 of the Policy, which requires the Steering Committee (SC) to formally evaluate the system established by the Policy, in accordance with the evaluation framework approved by the SC in March 2013.

The issues and questions addressed in this evaluation are outlined in the following table.

Issue	Evaluation Questions
Need	<ol style="list-style-type: none"> 1. What needs does the Policy currently address with respect to workplace conflicts and disrespectful conduct? 2. Are there important gaps in the services and resources available that should be addressed by the Policy and the activities of the RWO?

Table 1: Evaluation Issues and Questions	
Issue	Evaluation Questions
Results	3. Is implementation of the Policy leading to the timely and effective resolution of cases referred to the RWO? 4. Is implementation of the Policy leading to improved workplaces and strengthened organizational capacity within the Government of Yukon? 5. Has implementation of the Policy contributed to systemic improvements that promote respectful workplaces?
Design and Delivery	6. How effective is the RWO in assessing workplace issues, determining appropriate responses, and implementing those responses? 7. In what manner and to what extent is there effective collaboration between the RWO and other stakeholders? 8. Is the Steering Committee effective in meeting its mandate? 9. Is the RWO effectively tracking and reporting on its activities and the outcomes of those activities?
Resources	10. Does the RWO have the resources it needs to deliver on its mandate?

Based on available data and evaluation findings, recommendations are made regarding the activities, process and the operations of the RWO.

1.3 Evaluation Methodology and Limitations

The evaluation was conducted in three phases. The first phase focused on the development of an evaluation work plan which included development of a detailed evaluation matrix, preliminary review of available data, and development of data collection tools. The second phase involved data collection and was completed in two different stages; the first stage involved surveys of clients conducted by the Yukon Bureau of Statistics (YBS), and the second stage involved interviews with key collaborators and follow-up interviews with clients. A more detailed description of various lines of evidence is provided below:

- Review of files, documents and data provided by the RWO.** Some examples of the documents and data that we have reviewed include the GAM 3.47 (Respectful Workplace), the Evaluation Framework (2013), information and training workshop materials, PowerPoints (2016, 2017, 2018), RWO staff professional development plans and activities, data on clients served, RWO internal process documents, workshop evaluations, feedback from clients (emails), and planning documents.
- Review of literature and policies in other jurisdictions.** The review of processes and structures used to address conflict in other jurisdictions showed that the Yukon model is unique and advanced in terms of moving away from adversarial policies and structures in dealing with conflict. Literature was used more strategically to gather information on the prevalence of workplace conflict, and the importance of conflict resolution policies and best practices with respect to design and delivery.

- **Survey of RWO clients.** The Yukon Bureau of Statistics conducted a survey of clients from June 26 to August 7, 2018. The initial email invitation was sent to 603 clients of whom 262 provided valid responses, yielding a response rate of 43%. The clients surveyed were mostly female (68%), between 35 and 54 years of age (62%) who had worked with the Yukon government for over 10 years (57%). About 10% of clients surveyed identified as First Nations, Métis or Inuit, and 7% self-identified as a visible minority.
- **Follow-up interviews with clients.** Goss Gilroy Inc. (GGI) conducted follow-up interviews with clients who, during the survey, consented to be interviewed and provided contact information. The interviews took place between November 25 and December 1, 2018. Of the 67 clients who originally provided consent, 47 participated in the follow-up interviews resulting in a 70% response rate.

The following table provides a detailed profile of clients participating in the survey and follow up interviews.

Table 2: Profile of Clients Surveyed and Interviewed				
Client Profile	Clients Surveyed (262)		Clients Interviewed (47)	
	#	%	#	%
Age group				
25-34	18	7%	6	13%
35-44	75	29%	16	34%
45-54	88	33%	13	28%
55 and over	62	24%	4	9%
Prefer not to say	19	7%	8	17%
Gender				
Female	178	68%	35	74%
Male	62	24%	11	23%
Prefer not to say	22	8%	1	2%
Length of time with the Yukon government				
Less than 2 years	9	3%	1	2%
2 to 5 years	39	15%	8	17%
6 to 9 years	47	18%	12	26%
10 to 14 years	64	24%	10	21%
15 to 19 years	34	13%	8	17%
20 years or more	52	20%	7	15%
Prefer not to say	17	6%	1	2%
First Nations, Métis or Inuit				
Yes	28	11%	4	9%
No	207	79%	43	91%
Don't Know	7	3%	-	-
Prefer not to say	20	8%	-	-
A visible minority				
Yes	18	7%	2	2%
No	224	85%	45	96%
Don't Know	1	0%	-	-
Prefer not to say	19	7%	2	2%

Source: Yukon Bureau of Statistics, Client Surveys (2018); Client Interviews (2018)

- **Interviews with 34 key collaborators.** Extensive interviews were conducted with 6 representatives from the RWO; 3 Deputy Ministers; 3 Assistant Deputy Ministers; Human Resources (HR) representatives from 6 departments; representatives from the YTA, the YEU and the Aboriginal Employees' Forum (AEF); 3 -PSC representatives; and 7 departmental managers and supervisors. Of those interviewed, 6 are members of the SC. Interviews covered a range of topics including the level of awareness and utilization of the RWO, the various mechanisms used to address the issues related to workplace conflict, gaps in services, the effectiveness of the process, the impact of supports provided, the effectiveness of the SC and the appropriateness of resources.
- **Two focus groups were conducted, one with SC members and one with RWO practitioners.** The focus groups were used to discuss some of the major themes emerging from the preliminary evaluation findings.

The qualitative data collected through interviews was compiled in an excel database and coded. The information was then rolled out and presented as common themes, with special attention given to protect the identity of respondents. Unless otherwise specified, the following quantifiers were used to approximate the number of respondents providing similar views:

- 'A few' or 'several' means less than 5 respondents;
- 'Some' means between 25% and 45% of respondents;
- 'About half' means between 45% and 55% of respondents;
- 'Majority' means between 55% and 75%
- Most means above 75% respondents.

There are a number of limitations associated with this evaluation. The majority of data collected are qualitative in nature and based largely on past experiences and involvement in certain aspects of the services. There is a risk of self-selection bias associated with clients participating in the interviews (e.g. people are more likely to self-select to participate in research if they had a negative experience). Key collaborators, particularly those with a vested interest in the RWO, may have a positive bias. A lack of robust performance measurements makes it challenging to validate the opinions.

The evaluation weighted the strengths and weaknesses of each line of evidence during the data analysis and only included findings that were corroborated across various groups of participants and data sources.

1.4 Structure of the Report

The report is divided into four chapters. Chapter 2 provides an overview of the Policy and the services provided by the RWO. Chapter 3 summarizes key evaluation findings related to the relevance of the RWO, the design and delivery of services and supports, the achievement of the outcomes and the adequacy of resources. Chapter 4 outlines the main conclusions and recommendations.

2.0 Respectful Workplace Policy

This chapter provides an overview of the Policy and the mandate and activities of the RWO, presents the program logic model which identifies the major activities and intended outcomes, and describes the delivery structure and program resources.

2.1 Overview of the Respectful Workplace Policy

Following a review of the Workplace Harassment Prevention and Resolution Policy, conducted in 2012, it was determined that the existing processes, investigations and informal resolutions were not meeting policy objectives and were harming government employees. It was recommended that the adversarial investigation processes be replaced with appropriate dispute resolution processes. Consequently, the Government of Yukon:

- Undertook extensive consultations with key stakeholders involving the AEF, the Deputy Ministers' community, the HR community, the YTA and the YEU; and
- Created the Respectful Workplace Policy, which focused on providing appropriate dispute resolution processes to address conflict and disrespectful conduct among Government of Yukon employees.

The underlying concept of the Policy is that all government employees, whatever their positions or functions, have a responsibility to make sure that every employee with whom they interact receives the respect they deserve and need.

The purpose of the Policy (as outlined in Section 1.3.1) is to:

- Promote a respectful, healthy and well-functioning workplace;
- Address disrespectful conduct in the workplace;
- Affirm employee and manager responsibility and accountability for workplace conduct and relationships; and
- Build organizational capacity to manage conflict in a constructive and respectful way.

The Policy is governed by a set of principles (as outlined in Section 1.4) including:

- The Government of Yukon strives to create a respectful and inclusive workplace that values and appreciates the diversity and contributions of all its employees.
- A respectful workplace enhances the well-being of employees, improves job performance and inspires collaboration, all of which result in better service to the public.
- All employees in the Yukon public service share in the collective responsibility to promote a respectful workplace, address incidents of disrespectful conduct when they occur, and participate in processes under this policy.
- All employees, including deputy heads, assistant deputy ministers, managers, directors and supervisors are responsible for modeling respectful conduct in the workplace and are

- accountable for appropriate intervention when disrespectful conduct is occurring.
- Early intervention and non-adversarial approaches to managing workplace conflict and disrespectful conduct prevent escalation.
- Disrespectful conduct may lead to discipline up to and including termination of employment.

The Policy applies to all persons hired under the Yukon Public Service Act and the Yukon Education Act.

2.2 Mandate of the Respectful Workplace Office (RWO)

The RWO is the government office set up to promote, administer and implement the Policy. The RWO was established as a new branch within the PSC with a mandate (as defined in Section 2.2 of the Policy) to:

- Be a resource for employees experiencing conflict or disrespectful conduct in the workplace;
- Be a resource for those with the responsibility to manage conflict and disrespectful conduct in the workplace;
- Assess concerns about conflict and disrespectful conduct in the workplace, and determine and manage the appropriate process to address those concerns;
- Provide various conflict management services including:
 - employee orientation, training and education;
 - conflict coaching;
 - mediation and facilitated conversations;
 - work group conflict assessment; and
 - group facilitation and circle processes;
- Ensure employees are provided information regarding conflict resolution/management processes and outcomes (as appropriate);
- Collaborate with the department and union, as applicable, in addressing disrespectful conduct and promoting respectful workplaces;
- Advise the Public Service Commissioner on action in individual cases; and
- Recommend systemic changes to the Public Service Commissioner and others, to promote respectful workplaces within the Government of Yukon.

2.3 Activities and Processes

Section 4 of the Policy outlines the processes involved including:

- Individual responsibilities with respect to managing conflict and disrespectful conduct;
- Time limits on requests for assistance;
- People eligible to request assistance from the RWO;
- How the RWO Director or delegate responds; and
- Communication, consultation, and follow-up.

A general overview of the RWO conflict management process is presented in the chart below.

Chart 1: RWO Conflict Management Process



Source: Creating a Respectful Workplace Presentation Deck

The process is further described below.

2.3.1 Request for RWO Services

Under the Policy, responsibility to address respectful workplace issues remains with employees, supervisors and managers in the workplace. To the extent that it is reasonable and safe to do so, it is expected that individuals will attempt to manage conflict and disrespectful conduct in the workplace setting by raising their concern directly with those involved and seeking assistance from a supervisor, manager, human resource staff member, or their union.

Requests for assistance from the RWO may be made by the individual experiencing workplace conflict or disrespectful conduct; a supervisor or manager with responsibility to manage conflict and maintain a respectful workplace; an HR staff member; a union representative; or any employee who witnesses conflict or disrespectful conduct in the workplace and has concerns about its impact. According to the Policy, the request should be made as soon as possible but within six months (the RWO can waive the six-month requirement).

2.3.2 Information Gathering, Conflict Analysis and Case Management

The RWO will respond to the request by:

- Assessing the nature of the workplace issue and determining the appropriateness of the ADR process;
- Consulting with HR staff from the respective department and the union about the workplace issues and design of the processes, as appropriate; and
- Determining the appropriate response. The nature of the response will be proportional to the seriousness of the concerns.

An Integrated Case Management (ICM) approach will be taken when workplace concerns interact with issues of disability, employee performance or discipline, which will involve working with others as appropriate.

When appropriate, the RWO will also develop a customized communication plan. Responsibilities for communicating and implementing the response will be determined, taking into consideration confidentiality, the risks of communicating or not communicating, who needs to know what, and how to avoid or correct misinformation being circulated.

The RWO may decide not to take on a concern if it does not fall within the RWO mandate, appears to be in bad faith, would be better managed within the department or another agency, requires resources that are out of proportion to the seriousness of the issue, or is not raised within six months.

2.3.3 RWO Services and Referrals to Other Resources

The appropriate response, as determined by the RWO, may involve various activities such as:

- Referring the issue back to the manager, with or without coaching assistance for the manager;
- Conducting skills building workshops;
- Facilitating an investigation by an external investigator; and/or
- Delivering conflict management services.

Common examples of conflict management services delivered by the RWO include:

- Conflict coaching - a series of private and confidential sessions that help employees (including both those who raise a concern and those who are the subject of the concern) to develop skills and strategies to engage in, manage or proactively resolve conflict.
- Appropriate Dispute Resolution consultation – allows for an initial informal and confidential exploration of the employee’s situation and a private discussion of their options.
- Work group conflict assessment - assessment of the workplace and/or workgroup dynamics.

- Mediation and facilitated conversations - facilitated discussion between two or more people, working towards mutual understanding.
- Employee orientation, training and education.
- Group facilitation and circle processes - collaborative processes involving multiple parties to help reveal underlying conflict issues followed by ADR processes.

The RWO advises the Public Service Commissioner on action to be taken in individual cases (e.g. may recommend separation of employees while a process is conducted).

2.3.4 Follow-up

The RWO may undertake a variety of activities to follow up on the process including:

- Following up with the parties to check whether the anticipated outcomes of the process have been achieved and maintained. A customized follow-up plan is to be prepared for each RWO intervention. The RWO then implements its part in the plan and may recommend follow-up action by others. The follow-up is to be conducted as soon as practical and reasonable in the circumstances.
- Informing employees regarding conflict management processes and outcomes.
- Recommending to the Public Service Commissioner and others systemic changes to promote respectful workplaces within the Yukon government.

2.3.5 Prevention and Training

The RWO delivers presentations, information sessions, workshops and training to a cross section of groups. Presentations and information sessions commonly last from 30 minutes to 2 hours. Half-day and full-day workshops and training (employee orientation and skill development workshops) are delivered to Government of Yukon employees in response to departmental requests and through the Organizational Development Branch. The workshops describe the Policy, employer responsibilities under the Policy, and the collective responsibility to promote respectful, healthy and well-functioning workplace. The sessions provide an overview of what a respectful workplace looks like, define healthy conflict, identify services provided by the RWO, explore causes of conflict and conflict styles, and identify strategies to manage and deal with conflict.

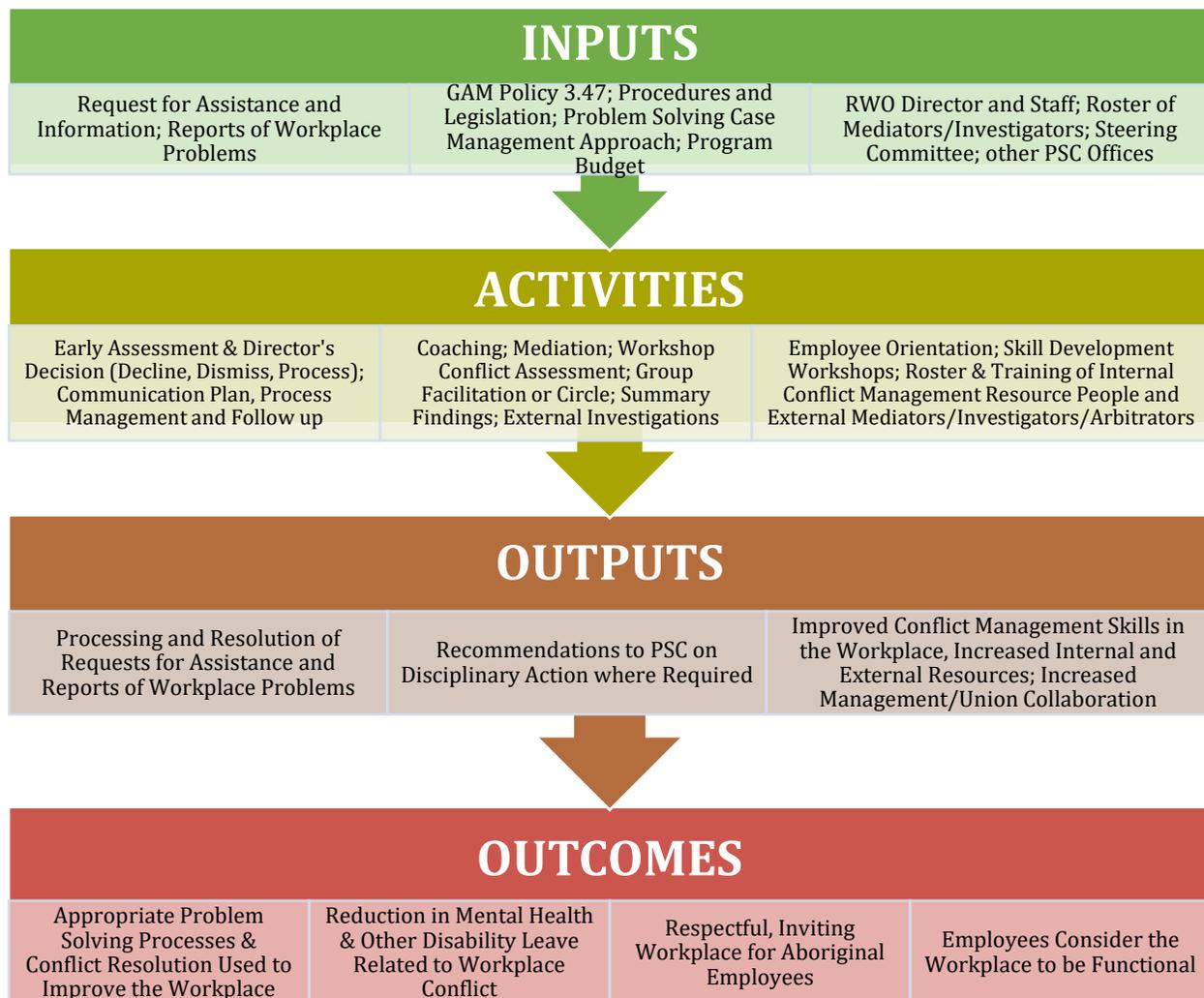
2.4 Program Logic Model

The chart on the following page presents the logic model that was developed as part of the Respectful Workplace System Evaluation Framework. As demonstrated in the chart, the RWO was to undertake a range of activities related to:

- Case management (e.g. early assessment, Director's decision, communication plan, process management and follow-up);
- Conflict management services (e.g. coaching, mediation, workplace conflict assessment, group facilitation or circle, and summary findings); and
- Workshops and training, including employee orientation and skill development workshops.

In turn, these activities were expected to contribute to the use of appropriate problem-solving processes and conflict management to improve the workplace, reductions in mental health and other disability leaves related to workplace conflict, development of respectful, inviting workplaces for Aboriginal employees, and more functional workplaces for employees. To date, the focus of the activities has been on assessment and conflict management, promotion, and skills development. Some activities anticipated in 2013 have not been addressed, in particular training of internal conflict management resource people and external mediators, investigators and arbitrators.

Chart 2: Respectful Workplace System Program Logic Model



2.5 Delivery Structure

2.5.1 RWO Staffing

The RWO is managed by a Director who reports to the Public Service Commissioner. Staff members include an office administrator and four conflict management practitioners who work collaboratively with employees, the unions and departments to address issues related to workplace conduct and conflict. When complaints are submitted, the RWO conducts an assessment and gathers more information to assess the nature of the conflict. Following conflict assessment, the RWO determines and employs appropriate processes to resolve or manage the conflict.

The organizational structure of the RWO is illustrated below.

Chart 3: RWO Organizational Structure



The key roles and responsibilities of the positions outlined in the organizational chart above are as described below.

Table 3: Roles and Responsibility by Staff Position	
Position	Description
Director	<ul style="list-style-type: none"> • Provide corporate leadership in the development, implementation and continuous improvement of a comprehensive and integrated corporate approach to conflict resolution and promoting a respectful, healthy and well-functioning workplace. • Ensure Respectful Workplace Services focuses on providing good client service and collaborates well with other branches, while at the same time ensuring compliance with the relevant legislative and policy requirements. • Provide guidance, coaching and training to the employees, supervisor, managers, union representatives and human resource staff on the alternative dispute resolution options and employee responsibilities under relevant policies and legislation. • Work with the Respectful Workplace Steering Committee to review policies and

Table 3: Roles and Responsibility by Staff Position	
Position	Description
	procedures, monitor progress of the RWO program and discuss their recommendations.
Conflict Management Practitioners	<ul style="list-style-type: none"> • Increase collaboration in the workplaces where conflict and disrespectful behaviour has been evidenced. Encourage early assessment of the conflicts, assert employee and manager responsibility and accountability for workplace conflict and conduct workplace follow-up. • Integrated Case Management: Work, plan and develop strategies with the Labour Relations Branch, Disability Management, other PSC branches and departments on complex cases. Lead the workplace conflict components of integrated case management for complex cases. • Promote respectful workplaces through development and delivery of training, including being responsive to department/branch training requests to meet their specific needs. Assist in developing capacity to manage conflict in the workplace, adapt to change and support diversity in the workplace. • Offer expert advice, coaching and conflict resolution strategies for workplace issues; assist with the resolution of conflicts through the exploration and identification of options for dealing with the workplace conflict brought forth by employees, management, human resources and unions.
Office Administrator	<ul style="list-style-type: none"> • Act as the primary point of contact for the RWO clients, both for conflict management services and training/workshops; and provide general office administration and reception duties to the RWO. • Develop and maintain records management. Establish internal controls and develop and run reports on client statistics. • Review and maintain branch financial systems for monitoring, managing and reporting on financial commitments, forecasts and transactions, budgets and other information. • Ensure maintenance of an accurate, up-to-date and complete statistical database and prepare monthly and annual statistical activity reports for the RWO. • Provide executive assistance to the Director of the RWO by arranging, coordinating and attending meetings, drafting correspondence, preparing background information, agendas and minutes and conducting follow-up activities with the clients.

2.5.2 Steering Committee

The Policy is overseen by the SC, which is chaired by the Public Service Commissioner and includes members from the YEU, the YTA, the AEF, the deputy minister community and the human resources community.

The specific mandate of the SC as outlined in Section 3.4 of the Policy includes:

- Provide advice and support to the RWO Director;
- Deliberate on difficult policy issues as they arise;
- Approve an evaluation framework and outcome measures;
- Monitor the progress of the respectful workplace system and make recommendations for

- modifications; and
- Determine who will be on the list of qualified investigators.

The roles and responsibilities of the Chair of the SC include:

- Implement recommendations of the SC that he or she determines will strengthen the policy;
- Implement recommendations of the RWO Director to make systemic changes to promote respectful workplaces, or to separate employees on a temporary or permanent basis, that he or she determines will be beneficial;
- Provide advice to deputy heads, assistant deputy ministers and departmental human resource directors about the application of this policy where requested;
- Monitor compliance with this policy within the Government of Yukon and, where appropriate, addressing issues of non-compliance; and
- Make decisions on appropriate actions following receipt of an investigation report and make any recommendations for disciplinary action to the applicable deputy head.

2.6 Resources

A summary of the employment, budget and expenditure data is provided in the following table. Expenditures cover the costs of RWO staff salaries and the operational costs of the office. The budget has increased marginally over time, from \$845,000 in the 2013-14 fiscal year to \$869,000 in the 2017-18 fiscal year (an average increase of \$1.5% per annum). \$35,000 in capital expenditures was budgeted in 2014-15 following the official launch of the RWO in the 2013-14 fiscal year. The allocation of 6 FTEs has remained consistent since the launch of RWO in 2013-14.

Budget Items	2013-14	2014-15	2015-16	2016-17	2017-18
Full Time Employees					
FTEs	6	6	6	6	6
Budget					
Total Budget	\$845,000	\$849,000	\$834,000	\$842,000	\$869,000
Expenditures (Actual)					
Personnel	572,000	611,000	689,000	\$756,000	
Other	165,000	76,000	59,000	\$75,000	
Capital		\$35,000			
Total Expenditures	\$737,000	\$722,000	\$748,000	\$831,000	n/a

Source: Total Budget and Actuals (Government of Yukon, Department of Finance - Operation & Maintenance and Capital Estimates 2013-14 – 2017-18¹)

¹Government of Yukon, Department of Finance - Operation & Maintenance and Capital Estimates 2013-14 – 2017-18; <http://www.finance.gov.yk.ca/general/publications.html>

3.0 Major Findings

This chapter summarizes the major findings of the evaluation in terms of the relevance, design and delivery of the Policy and the RWO, the outcomes that are generated, the use of program resources, and the usefulness of the program reporting.

3.1 Relevance

Both stakeholders and clients emphasized the major need for a neutral, third party such as the RWO to facilitate dialogue and support healthy and respectful workplaces within the Yukon government. The already strong demand for services would likely increase if there was greater awareness and understanding of the Policy and the RWO. Stakeholders, when asked how the RWO could better meet the needs identified, most commonly recommended expanding or enhancing existing services and processes, including an increased focus on training and capacity building, upgrading the online presence, making more frequent visits to workplaces, and enhancing triage and the management of complex cases.

The major findings regarding the need for, and relevance of the Policy and the RWO are as follows:

There is strong support for a neutral, third party to facilitate dialogue and support healthy and respectful workplaces across Government of Yukon departments.

Both stakeholders and clients emphasized the important role the RWO plays in helping government workers deal with conflict and disrespectful conduct, building organizational capacity and promoting respectful, healthy and well-functioning workplaces. Interviewees noted that the establishment of the Policy and the RWO was an important and desirable shift from an adversarial harassment resolution process to a more collaborative, positive and restorative approach to dealing with conflict and disrespectful conduct. The new approach includes supports for building capacity of the departments to prevent unhealthy conflict, address disrespectful conduct and create inclusive and respectful workplaces.

When asked why there is a need for the Policy, stakeholders who were interviewed indicated that the Policy and related services are needed to strengthen employee engagement, help address incidents of conflict and disrespectful conduct, help the Yukon government retain workers, and facilitate the development of workplaces that will be effective in attracting and retaining millennials. The importance of such services to governments is also reflected in the literature, as discussed below:

- High employee engagement leads to improved collaboration and increased productivity. The Government of Yukon Employee Engagement Survey (2018) highlights the current level of employee engagement and illustrates areas where performance could be improved. While most workers indicated that they are treated respectfully at work (80% agreed, while 8% disagreed; the figures are unchanged from 2016) and 86% agreed that they have positive working relationships with their co-workers, the survey also found that only 62% of employees agreed that a healthy atmosphere (e.g., trust, mutual respect) exists in their work unit, only 50% agreed that their department takes meaningful action to improve their work

environment, and only 50% agreed that, in their unit, conflict is dealt with effectively.²

- Recent studies have identified continuing levels of harassment in Canadian workplaces. For example, a recent survey of employees by Employment and Social Development Canada (ESDC) found that 60% of employees self-identified as having previously faced harassment in the workplace, including 30% who reported having experienced sexual harassment. About three-quarters of those who experienced harassment indicated that they had reported the incident(s). The primary reason for not reporting incidents was fear of reprisal. Only about one-half of respondents that reported the harassment indicated that reporting had led to attempts to resolve the issue.³ Another 2018 study, the Policy Review of Workplace Harassment and Sexual Harassment Policies, Practices and Procedures reported that 17% of current and former government employees who responded to a Government of Manitoba survey self-identified as having faced sexual harassment in the workplace.⁴
- Employee retention is a continuing issue for the Yukon government, driven in part by the low levels of unemployment in the territory, and the large number of government workers relative to the total size of the labour force. Yukon unemployment rate was 4.1% in October 2018 (up from 3.2% in September), which is much lower than the national average of 5.8%.⁵ The Yukon government is the leading employer in the territory, employing about 5,600⁶ people as of March 31, 2017; as of October 2018, the labour force totalled 22,000. Given the limited pool of candidates from which the Yukon government can draw, employee retention is critically important. Creating a healthy work environment where all employees feel included, respected and appreciated is a key strategy for improving employee retention.
- Workplaces will need to evolve to be effective in attracting and retaining millennials (people born between 1980 and 2000). Addressing inter-generational issues requires ongoing dialogue and improved understanding of healthy conflict, communication styles and expectations. By 2020, millennials will account for about one-half of the North American workforce. While millennials share some similar characteristics with previous generations, they are markedly different in other respects. Millennials want to be heard and actively involved in issues, and they are innovative, entrepreneurial and technology savvy.⁷ Research indicates that millennials tend to be less loyal to their employers and much more willing than previous generations to consider changes in employers and careers. A recent survey of 7,700 millennials by Deloitte found that two-in-three millennials worldwide (61% in Canada) expect to change employers in the next three to four years, and more than one-in-four would

² Yukon Employee Engagement Survey, 2018 Corporate Results

http://www.psc.gov.yk.ca/pdf/2018_EES_CorporateReport.pdf

³ Harassment and Sexual Violence in the Workplace. <https://www.canada.ca/en/employment-social-development/services/health-safety/reports/workplace-harassment-sexual-violence.html>

⁴ Policy Review of Workplace Harassment and Sexual Harassment Policies, Practices and Procedures Report and Recommendations, MLT AIKINS, Western Canada's Law Firm.

http://www.manitoba.ca/csc/pdf/rep-exp/MLTA_report-policy_review_of_workplace_harassment_and_sexual_harassment_policies_practices_and_procedures.pdf

⁵ Yukon Bureau of Statistics, Yukon Employment October 2018

⁶ This figure includes term-employees, permanent, casual, on-call and others.

⁷ Understanding and attracting millennials: <https://www.canada.ca/en/employment-social-development/corporate/reports/2016-renewal-progress/recruit/student-strategy.html>

do so in the next year if given the choice.⁸ This is not a function of their current position or level of responsibility; the likelihood of leaving was nearly as high for millennials in management positions (57% expect to leave) as those in more junior positions.

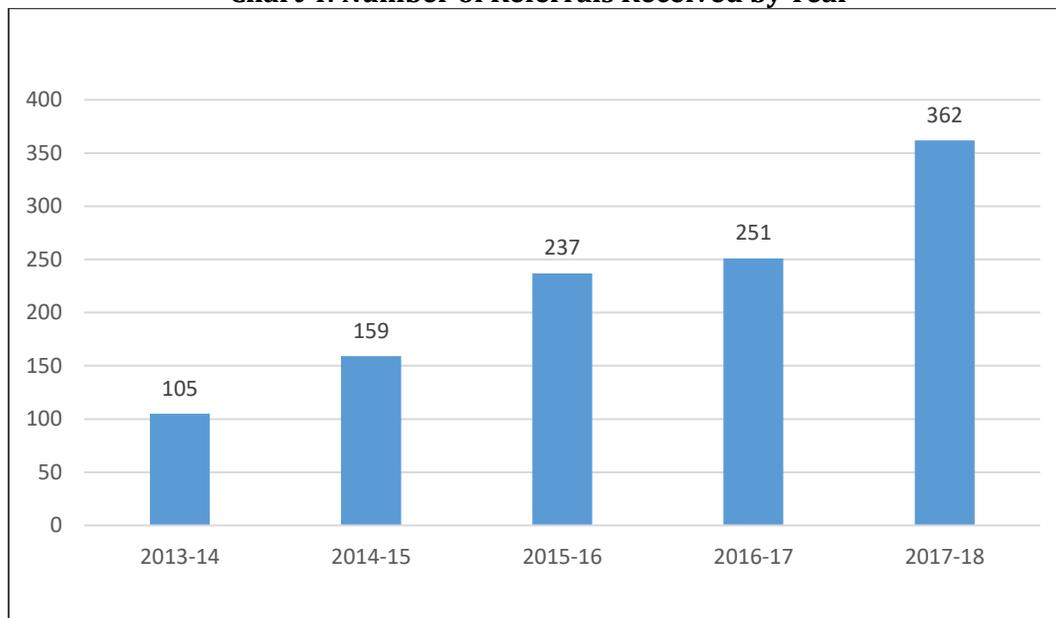
Millennials tend to be less tolerant of rigid corporate structures and more desiring of flexible approaches to work. Research indicates that there is a strong correlation between the likelihood a millennial will stay with an employer and the extent to which:

- The values of the organization align well with the personal values of the employee;
- The employer is committed to the development of the millennial;
- The employee feels that he or she is in control of his or her career; and
- There is open and free flowing communication.⁹

There is significant on-going demand for the services of the RWO.

Over 1,100 referrals have been received by the RWO over the past five years since implementation. As indicated in the chart below, the number of referrals has increased from about 100 in 2013-14 when the RWO began operations to over 360 in 2017-18.

Chart 4: Number of Referrals Received by Year



Source: RWO Statistics (2013-14 to 2017-18)

The largest departments tend to be the ones with the largest number of referrals to the RWO. As illustrated in the following table, Health and Social Services, Highways and Public Works and the Department of Education account for over half (59%) of all conflict management cases referred over the last 5 years.

⁸ Deloitte, The 2016 Deloitte Millennial Survey

⁹ Ibid

Table 5: Number of Complaints Received by Department

Department	Total	%
Health and Social Services	393	29%
Highways and Public Works	241	18%
Education	163	12%
Community Services	139	10%
Energy, Mines and Resources	64	5%
Justice	61	5%
Tourism and Culture	44	3%
Environment	58	4%
Yukon Housing Corporation	38	3%
Public Service Commission	34	3%
Yukon Liquor Corporation	24	2%
Other	88	7%
Total	1,347	100%

Source: RWO Statistics

As of March 31, 2017, there were about 5,600 people employed by the Yukon government. The number of referrals received is therefore equal to about 0.27 referrals over the five-year period for every employee in the government as of March 2017. While there is a reasonably strong correlation between the number of referrals received from a given department and the size of that department (i.e. people employed), the number is also affected by other factors such as the level of involvement of senior management from that department in the RWO, and the characteristics of the jobs within that department. For example:

- The Yukon Housing Corporation (which provided 0.53 referrals over the five-year period for every employee it had as of March 2017), the Public Service Commission (0.40) and Community Services (0.38) have tended to be actively involved in the RWO and were the departments most likely to provide referrals relative to the size of the organization.
- In contrast, the Department of Education provided the lowest number of referrals per employee (0.13) over the same period for every employee in the Department as of March 2017. RWO staff attributed this to a variety of factors including the regional distribution of schools (many are located outside of Whitehorse), difficulties in undertaking outreach to create awareness of the Policy and the RWO in these schools, and the work schedules of teachers, which can add to the complexity of setting aside time to participate in the services.

The demand for services under the Policy is driven largely by awareness and understanding of the Policy and the RWO, and the level of buy-in from management and other key departmental stakeholders.

According to interviewees, three key factors must be in place for managers as well as staff to consider the RWO as a resource and mechanism for dealing with conflict or disrespectful behavior:

- First, staff must be aware and have a good understanding of the services and supports provided by the RWO.

- Second, there must be a willingness to address the issue and trust the RWO process. Conflict avoidance can be a major constraint to utilizing available services. Nearly two-thirds of clients interviewed reported that their colleagues deal with conflict either by avoiding it or moving to another position. They also noted that services may not be used because of lack of trust, misperceptions about the RWO, or fear of ‘shaking things up’.
- Third, management must be supportive of the process, as demonstrated in their efforts to make and encourage referrals to the RWO, actively participate in and support the process, and ensure safety (addressing any fears of retaliation for employees who approach the RWO for help). Management may be unwilling to participate in an external, neutral process, particularly when there are performance issues linked to interpersonal conflict (which may involve a manager and employee). The RWO practitioners play a very important role in building trust and relationships with the departmental staff including managers, employees and HR.

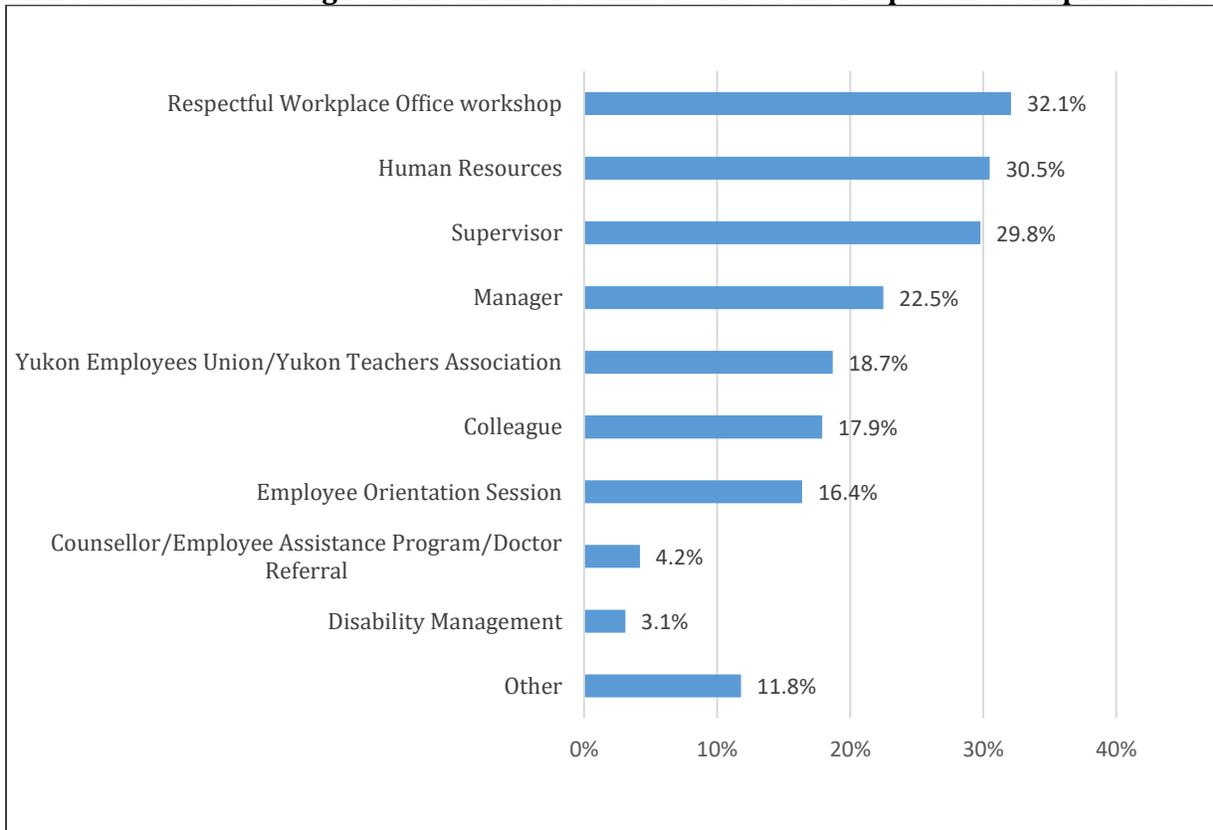
The demand for services would increase if there was greater awareness and understanding of the Policy and the services of the RWO.

According to the key informants and clients, awareness and understanding of the Policy and the services of the RWO remain low. Only about a third of key collaborators and clients interviewed noted that the managers and employees in the Yukon government are aware and have a good understanding of the services and supports provided by the RWO. The departmental units that tend to have a better understanding of the RWO and its services are those that have gone through the RWO training or are led by managers who have built trust and rapport with the RWO Director and practitioners.

Most interviewees reported that, while general awareness of the RWO exists in their workplace, the principles of the non-adversarial, restorative approach to conflict resolution are still not well understood or equally accepted across the departmental staff. Misperceptions of the role and the mandate of the RWO are driven by the legacy of the adversarial system where employees filed grievances through the union and government used adversarial investigation processes to deal with the harassment grievance. This is a challenging perception to overcome and may lead some to expect that the RWO will assign blame or offer a tangible solution (e.g. removal of the person from the workplace). Past experiences with the RWO by some employees have contributed to a negative perception of the new approach and the RWO’s ability to offer solutions.

It was noted that, when the Policy was first instituted and the RWO was established, significant effort was put into promotional and awareness-building activities. These efforts have not been sustained. Continued efforts are required to maintain awareness, particularly given the turnover in managerial positions. Ongoing promotional activities, including the sharing of success stories, are necessary to counter the negative perceptions.

According to the client survey, clients most commonly became aware of the RWO through the workshops, HR, and their supervisors and managers. About 19% said they became aware of the RWO through YEU and YTA.

Chart 5: Avenues Through Which Clients Became Aware of the Respectful Workplace Office

Source: Yukon Bureau of Statistics, Client Surveys (2018)

Some of the recommendations received from both key informants and clients, are to increase awareness and understanding of the Policy and the RWO, including developing a formal communication strategy; implementing ongoing outreach and communication programs; taking a more active role in venues that bring together managers, HR representatives and other staff (e.g. departmental/manager meetings, HR committees, ADM committees); establishing a greater online presence (the RWO only has a single page on the PSC website); and making use of social media.

Other actions that would likely increase the demand for services include establishing clearer guidelines regarding when cases are best referred to the RWO and taking steps to ease concerns about the fear of retaliation.

Departments do not have clear policies and protocols specifying when internal processes should be used, and when it is appropriate to reach out to the RWO. The dilemma as to when is the right time to request the RWO's help was raised by key collaborators and clients alike. As one departmental representative noted, *"it is so difficult for us as an organization to understand where that breaking point is, how to recognize it, and how to deal with it"*. It was noted that:

- The RWO is often perceived as a last resort that is accessed only when the conflict or issue is unlikely to be resolved through internal mechanisms. Conflicts that have escalated and are now deeply ingrained tend to be more complex and have a greater impact on the workplace.

Some of the clients who were interviewed indicated that, in retrospect, the RWO should have had gotten involved earlier, perhaps in parallel with the HR investigation, rather than at the crisis point. Some key collaborators noted that prolonged conflict situations lead to much greater levels of stress as well as loss of productivity and can contribute to mental health issues. One of the Policy principles (1.4.5) is, *“Early intervention and non-adversarial approaches to managing workplace conflict and disrespectful conduct prevent escalation”*.

- Internal departmental resources (HR, management, and other colleagues) are commonly used first. This is particularly true in departments and units that have established trust and good relationships between HR and employees. However, it was noted that employees in workplaces that experience higher levels of conflict may be less likely to consider internal resources to assist them in dealing with that conflict.
- The fear of retaliation or disciplinary action, combined with concerns about whether the services could actually improve the situation, impacts the willingness of some employees to go to the RWO and, in some cases, to use internal resources.¹⁰ Some clients cited concerns about being ostracized by other employees who did not come forward and the potential impact on their opportunities for promotion. Several clients also noted that using the services of the RWO could be a mark of shame or an admission that the employee had failed to deal with the situation themselves. It was suggested that more needs to be done to reduce any stigma and ensure that employees who make use of the RWO services are safe from repercussions from management, co-workers or others (e.g. ensure that they are treated equitably in terms of performance reviews, promotions, assignments, training, and other benefits).

Departments where HR and management understand, trust and work closely with the RWO are more likely to recognize conflict earlier, use internal mechanisms to try to solve it and, when needed, seek the assistance of the RWO. Getting the timing right increases the likelihood of resolving conflict by working together, which in turn can enhance the image and success rate of the RWO and help correct any negative perceptions.

Other factors that were identified as constraining utilization of services included the remoteness of some workplaces (e.g. employees working in communities outside Whitehorse do not feel the RWO is easily accessible), time constraints, lack of confidence and trust in the process, concerns about confidentiality and neutrality, and the perception that the RWO lacks authority to make effective change.

The gaps in the services and supports offered by the RWO that were most commonly identified by those interviewed did not relate to new services, but rather suggested improvements to existing services and processes. Recommendations focused on the need to expand training and capacity building, increase the online presence, make more frequent visits to workplaces, and enhance triage and the management of complex cases.

¹⁰ The most common reasons cited as to why staff do not reach out to the RWO was fear of retaliation and negative perceptions of the RWO.

When asked to identify other services and supports they felt were missing or would like to see more of, clients and key collaborators reported a need to:

- Expand access to training and capacity building services. Examples included cultural sensitivity training, effective communication training (e.g. the Crucial Conversations course and the Verbal Judo course), stress management training, reconciliation dialogue or workshops such as the Blanket Exercise, coaching for supervisors and managers to better handle disciplinary issues, training and resources for HR to recognize and better navigate conflict management and performance management, and preventative services such as coaching and leadership skills building. A few key collaborators noted that the Policy should be more explicit as to when it is mandatory to attend RWO sessions and use the services.
- Increase the online presence. Some clients expressed a desire for more online materials, including promotional information about the RWO (role, responsibilities, services and success stories), and more information about courses, workshops or webinars that could help them build their skills. It was noted that online resources about the conflict resolution process should include step-by-step information about when to seek help, who to approach, and how to go about dealing with different issues.
- Visit the workplaces more often, particularly more remote communities where the work environment is different and access to RWO services is more limited. This will help the RWO better understand the dynamics of the workplace, the power relations and what specialized resources (e.g. training on specific topics) may be needed.
- Improve triage and the management of complex cases, expand referrals to other sources of assistance (such as external investigators and counselling services), and provide a more extensive follow-up process. A few clients commented on a need to address a perception that too much discretion is placed in the hands of the RWO Director as to whether to proceed with cases and how certain cases will be processed. It was recommended that a formal protocol be developed that would define the rationale for the process and the steps and decisions to be made during the process. A few clients suggested that there is a need to better understand the impact of conflict on people involved (e.g. stress, mental health), and provide referrals to appropriate services.

3.2 Design and Delivery

Clients were generally satisfied with the treatment they received from the RWO, although opinions were mixed regarding satisfaction with the process itself. A majority of clients felt that they had been listened to, understood and kept up to date about how the case was proceeding. While the process itself is perceived as transparent, the outcome of the process is not perceived as such. Additional concerns were expressed about the effectiveness of follow-up activities.

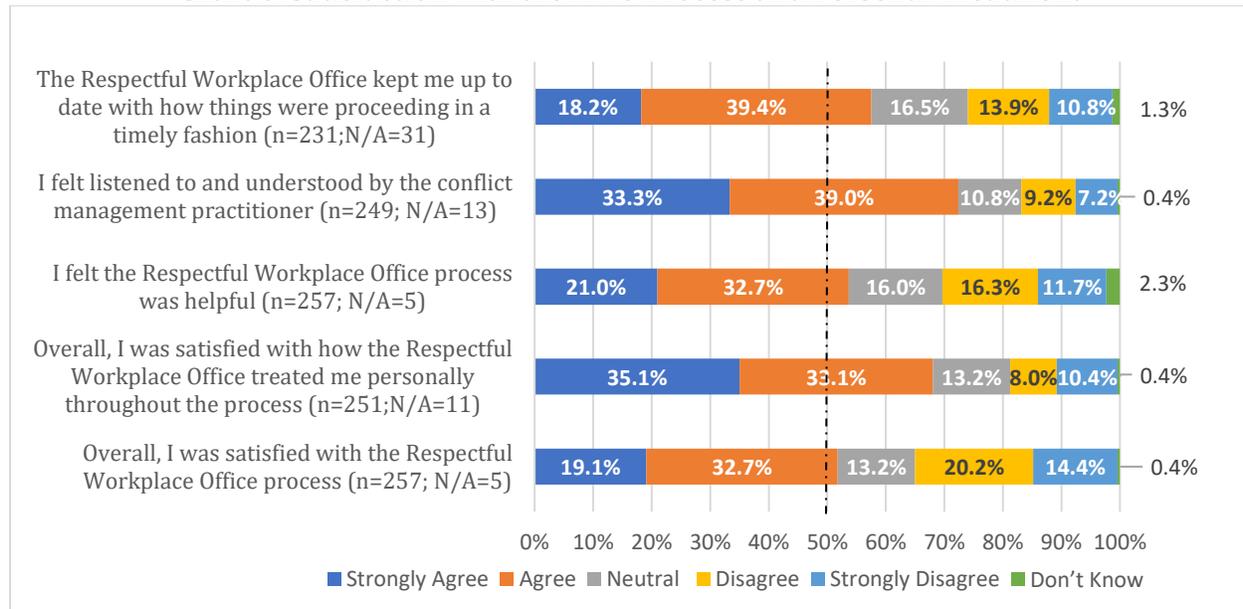
The effectiveness of the services has benefited from an ICM approach and collaboration between parties. While the SC has provided some support and direction to the RWO, its contribution could be strengthened by holding more frequent meetings, having members take on more of an advocacy role, and involving a broader cross-section of representatives from the deputy minister and human resource communities in its activities.

The major findings regarding the program design and delivery are as follows:

Clients were generally satisfied with the treatment that they received from the RWO, although opinions were more mixed regarding satisfaction with the process itself.

As illustrated in the following chart, at least half of the clients surveyed by the YBS expressed positive opinions about each of the different aspects of the process, including timeliness and usefulness of the process. Clients were most likely to agree that they were listened to and understood by the conflict management practitioners (72% agreed or strongly agreed with the statement; 16% disagreed), and that they were satisfied with how the RWO treated them personally throughout the office (68% strongly agreed or agreed with the statement; 18% disagreed).

Chart 6: Satisfaction with the RWO Process and Personal Treatment



Source: Yukon Bureau of Statistics, Client Surveys (2018)

In the interviews, clients noted that their practitioner was very skillful in guiding them through the process, following up with them, ensuring that they felt comfortable with the approach, and engaging others in the process. However, about 10% of clients who were interviewed expressed feeling anxious about confidentiality. While they recognize that the process may involve practitioners speaking with other people in the workplace, they did have reservations about the damage that those interviews or group meetings might have on their workplace relationships and, potentially, on their careers. About 25% of clients interviewed felt that the process was not safe or confidential because they were not always informed about the manner and extent to which others were involved (e.g. they agreed to initiate the contact but may not have been informed of the ongoing, continuous conversations with the other party), or they were concerned that certain issues were shared with the other party. A few clients noted that issues raised in the facilitated group discussions made everyone uncomfortable and did not create a safe place for an open dialogue. Key collaborators also noted the challenge of balancing transparency and confidentiality. For example, practitioners must carefully balance the benefits of initiating the conversation with the other party while seeking to protect the privacy of the person who raised the concerns.

Fifty eight percent of clients indicated that the RWO kept them up to date in a timely manner with how things were proceeding (25% disagreed).

RWO data indicates that over two-thirds of the case files have been closed within six months and over two thirds of the individual files have been closed within three months.

Table 6: Closure Time for Files, 2014-15 to 2017-18						
Duration/Time (Months)	2014-15	2015-16	2016-17	2017-18	Total	%
Case Files						
3 Months (1 – 90 days)	2	10	17	28	57	34.1
4- 6 Months	9	11	17	19	56	33.5
7 -9 Months	3	4	10	6	23	13.8
10 – 12 Months	9	5	2	0	16	9.6
13 – 15 Months	3	2	2	2	9	5.4
16 – 18 Months	3	1	2	0	3	3.6
Total	29	33	50	55	167	100
Individual Files						
3 Months (1 – 90 days)	48	73	80	81	282	70%
4- 6 Months	31	8	19	23	81	20%
7 -9 Months	18	2	7	4	31	8%
10 – 12 Months	2	1	2	0	5	1%
13 – 15 Months	4	1	0	0	5	1%
16 – 18 Months	1	0	0	0	1	0%
Total	104	85	108	108	405	100%

Source: RWO Statistics (2014-15 to 2017-18)

Similar to the results of the client survey, just over a quarter of clients who were interviewed expressed some concerns about the timeliness of the process. Delays are most likely to occur in cases where the complainant withdrew from the process or when one of the parties was not fully cooperating with the process. Other factors identified by clients included the remoteness of the workplace and scheduling conflicts, particularly when more parties are involved. Key collaborators noted that the RWO is very busy; limited capacity combined with fluctuating workloads can contribute to delays. Program data shows that about 15% of files are eventually closed due to the client changing jobs, not returning for a follow-up, or indicating that they no longer want or need assistance from the RWO. Another 5% of cases are closed and referred back to the department (HR and management).

Several clients reported experiencing long silences in communication that lasted for months, only to find out that a person had withdrawn from the process or that the delay was due to turnover of practitioners. Although these clients generally understood that, in most cases the RWO can do little to expedite the process, they noted that the reasons for delays should be better communicated. In the words of one client, *“it is very troubling to be accused of something and then not hear back for months”*.

Clients' opinions were mixed regarding the process itself. Of the clients who were surveyed, 54% agreed that the RWO process was helpful (28% disagreed), and 52% agreed that they were satisfied with the RWO process (35% disagreed). According to the follow-up interviews, those clients who felt that the process was not helpful or who were not satisfied with the process generally felt that:

- The process had not resulted in the tangible outcome they expected or desired. Clients may be looking for justice, validation, exoneration or retribution for real or perceived wrongs, while the Policy focuses more on process and capacity building; and/or
- While the process is perceived to be transparent, the outcome is not necessarily so. Most clients and key collaborators interviewed reported that once the RWO is engaged, the process itself is largely transparent (e.g. clients were informed about the ADR approach, approval to contact the other party is obtained, the practitioner discusses with them what next steps may be, etc.). However, the outcomes are not often not transparent (e.g. a manager may receive training or coaching, but the client is not informed about that). About half of the clients interviewed commented that they were not informed about the results of the process or whether any action at all was taken. The following comments illustrate the confusion some clients expressed about the results of the process: *"there was no outcome"; "the process was put back to the director...the RWO probably thinks it has been resolved"; "it wasn't explained to me in a way that it let me know about what was happening or how it was supposed to happen"; "It seems that the RWO concluded that, at the end, this is your story and this is her story. It is what it is."*

Although follow-up is usually conducted, many felt that it does not achieve its intended objective.

The Policy defines that follow-up by the RWO is an integral part of every process and is intended *"to check whether the anticipated outcomes of the process have been achieved and maintained"* (GAM 3.47, section 2.4). The policy is silent on the authority of the RWO or what further actions could be taken if no action or change has been implemented by the parties involved in the conflict. This was one of the concerns raised most consistently by key collaborators, including the RWO staff, as well as those clients who felt that the process and approach by the RWO to tackle the issues of conflict were appropriate except that, *"in the end, nothing changed"*. The following quotes illustrate some of the frustrations felt by clients:

"RWO can't sit back and say that this the end of the story. That is not helpful. I think the world of the RWO. But something is lacking."

"We need meaningful follow-up. When my colleague and I were approached with a follow-up and asked if anything had changed, we said no. That was the end of the conversation. There was nothing else. Why bother following up, if you aren't going to do anything."

"It was really clear that they weren't able to make anything happen. After the follow-up, I didn't have expectations for them to do something for me."

The concern that the process may result in no action being taken to address the issues was expressed by over half of key collaborators. The feedback ranged from *"people have been left in the dark about*

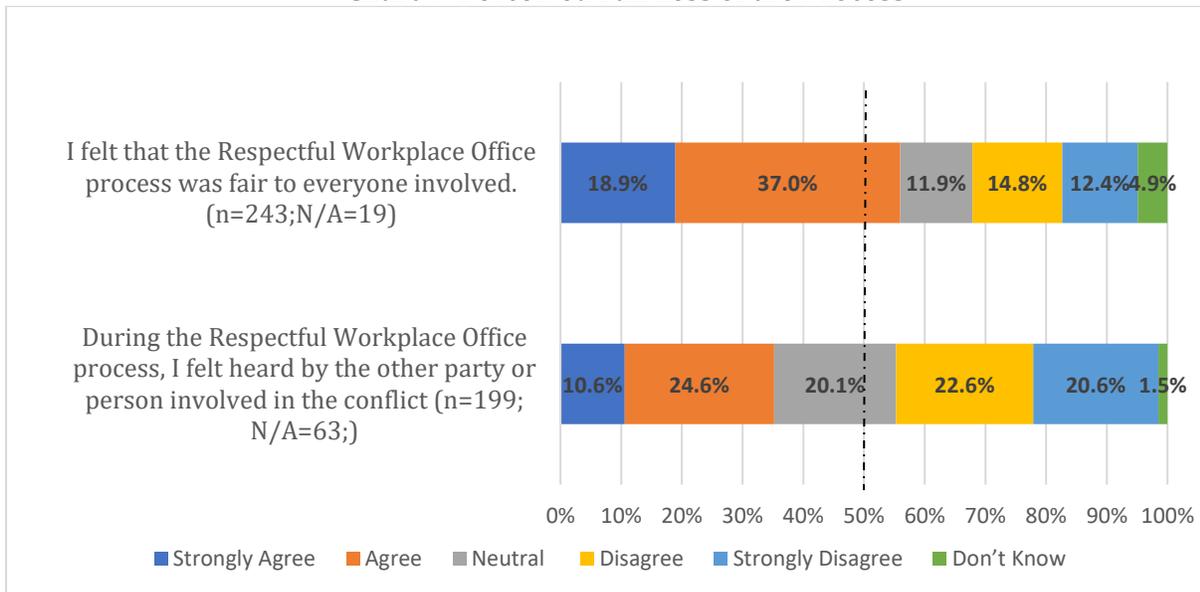
what, if anything, will happen”, to “much of it is simply left up to the department’ and “there is no accountability at the end of the process.” Some interviewees noted that both employees and supervisors feel frustrated by the lack of closure, which is further fed by lack of communication.

In general, the RWO is perceived as having no authority to compel departments to implement the recommendations provided in the workplace assessment plans or at the conclusion of the case. This makes it very difficult to hold people to account for not engaging in or following through on addressing disrespectful behaviour, and creates significant barriers to the achievement of the Policy objectives and intended outcomes. The RWO representatives noted that there is often very little they can do during the follow-up process to encourage action. It was also noted that, even when further efforts are made by the RWO Director or practitioners to encourage action, the individual client may not be aware of it.

The follow-up interviews with clients illustrated that the credibility of the RWO is strongly linked to its perceived neutrality and the perceived fairness of the process.

As illustrated in the following chart, over half of the clients surveyed (56%) agreed or strongly agreed that the RWO process was fair to everyone involved. However, only about one-third of the clients (35%) felt they were heard by the other party or person involved in the conflict.

Chart 7: Perceived Fairness of the Process



Source: Yukon Bureau of Statistics, Client Surveys (2018)

An analysis of the interviews indicates that clients who felt that there was no resolution to their case and that the other party either did not engage or did not show willingness to participate in the process were more likely to say that the process was not neutral. These clients often felt that, although the process was non-adversarial (according to some ‘too non-adversarial”, as there was no acknowledgement of the problem and no resolution), it was not neutral. Some of the factors identified that contribute to the perceived neutrality of the process included:

- The level of engagement the client and others had with the RWO staff during the process;
- The ability of the practitioner to communicate effectively with all parties;
- The extent to which the practitioners are able to understand the issues and maintain an open-mind while they are assessing the situation;
- Existing power structures inherent in the workplace relationships;
- The nature of the workplace; and
- Whether the process eventually helped to improve the situation.

About half of the clients interviewed praised the efforts and skills of the practitioners in ensuring the neutrality by not judging or advocating for one side, promoting mindful reflection and providing perspective, carefully assessing the situation, and engaging through ongoing communication and feedback. However, some clients felt frustrated that they were asked to reflect on their behaviour before there was a full understanding of the issues, and that conclusions seem to have been made prematurely without sufficient research (e.g. one client noted that, apparently without much evidence, the practitioner had already decided the issue was a performance issue during the first phone conversation). Several clients felt that conclusions were already made about them prior to contact, and they were not clear what was expected of them.

Most key collaborators reported that the RWO process is non-adversarial and neutral. However, some interviewees noted that, because the RWO is reporting to PSC it is perceived by some as being part of the 'employer' and siding with managers. On the other hand, managers may be asked to reflect on power relationships in the conflict situations with subordinates, which makes them think that the RWO is protecting employees. The fact that both managers and employees may perceive the RWO to 'side with the other group' is probably the best evidence of the RWO's neutrality. However, such perceptions can tarnish the credibility of the RWO and perpetuate the narrative of its ineffectiveness in arriving at a solution and providing clear direction or paths to solution.

Several key collaborators reported that, in certain cases, 'neutrality' and a restorative approach to the conflict may not be possible. These are more complex conflicts where disrespectful conduct is discriminatory and intersects with disability or other health issues, where restoration of the relationship may not be possible, and when disciplinary action is required.

The RWO is effective in collaborating with other parties through various mechanisms including the ICM process.

The Policy recognized that certain conflicts interact with other issues and require the involvement of other parties (Policy Section 4.8). An ICM approach has been designed to deal with such cases. The approach involves discussion of complex issues or cases at the ICM Committee, which consists of PSC Directors. They identify the nature of the problem, the level of PSC Branches' involvement and interactions, and coordination with the respective departments. Each party involved in the ICM approach (the RWO, Health, Safety and Disability Management, Corporate Human Resources and Diversity Services, Labour Relations Branch, departments and other agencies) work within their teams to address their part of the issue while working collaboratively across the teams to ensure comprehensive and effective resolution. The goal is to have a "one employee approach" to comprehensive and collaborative resolution to workplace issues and ensure that the different processes are streamlined and do not overburden the client. The union may get involved in the process, at the request of the employee.

It is important to distinguish between ICM, which is an internal process within the PSC through which branches work together on complex cases (cases when conflict, performance and disability matters may be present), and Collaborative Case Management (CCM) where the RWO works with the union and human resource consultants to address workplace conflict and conduct issues. As illustrated in the table below, 27 cases were recorded as having been referred to ICM in the last 5 years (no cases were recorded for 2014/15 and 2015/16), and an additional 250 cases were resolved collaboratively. This represents about 20% of the cases that the RWO have worked on over the 5 years.

	2013-14	2014-15*	2015-16	2016-17	2017-18	Total
ICM	3	--	--	16	8	27
CCM	29	--	30	44	43	116
Yukon Employees Union (YEU)	34	--	7	37	45	123
Yukon Teachers Association (YTA)	1	--	10	1	--	12
Total	67	0	47	98	96	278

Source: RWO Statistics - Annual Roll-up Data (2013-14 to 2017-18) *data not recorded

Integrated Case Management

The key collaborators who were interviewed were supportive of the ICM approach. They believe the approach is effective, particularly when disability is a factor, and when the responsibility of the PSC branches is clearly defined (e.g. there is a leader on the file). Integrated Case Management tends to be less effective when there is uncertainty about the roles and responsibilities of parties involved, or there is a perceived misalignment of objectives (e.g. the Disability Management Unit is focused on reintegrating individuals back to the workplace while the RWO and the departments may be more focused on resolving a workplace conflict).

Workplace conflict can be stressful for all parties involved. Recognizing the situations where mental health issues are of concern requires standardized processes and referral protocols. Some interviewees raised concerns that the RWO does not have an appropriate triage system and a clear decision-making process for determining when certain individuals should be referred to other appropriate bodies. It was further suggested that constraints related to roles, processes and protocols may lead to a failure to identify, recognize and appropriately deal with more serious issues such as sexual harassment and to engage outside investigating bodies, when appropriate. A few key collaborators reported that there has been some confusion and questions raised about which PSC branch or government body is responsible for taking a lead on a specific issue, what are the boundaries of different units and government bodies, and what steps are expected to be taken during the process. This kind of situation can add to client confusion and create unrealistic expectations.

Collaboration

Collaboration between the RWO and unions is generally perceived positively, although the RWO has been somewhat less engaged with YTA than the YEU. It was noted that union representatives often refer members to the RWO and are generally open to consultations and supportive of the RWO decisions.

The level of collaboration between the RWO human resource staff and management varies across different departments. The RWO has made various efforts to build relationships with human

resource staff (e.g. attending meetings, reaching out and building relationships with individual HR directors and consultants, and engaging them on individual cases). As discussed earlier, this has had mixed results. While some departments have strong relationships with the RWO, others may perceive the RWO as getting involved in the performance issues and undermining their ability to manage.

A few clients noted that they were surprised to learn that other parties (e.g. management and union) had been involved in their case and were not comfortable in having those representatives involved in the process. The involvement of multiple parties can also be confusing. In isolation, people can speak to the roles of human resource staff, the union and the RWO; however, in collaborative cases where the issues are intersecting, it can be difficult for those involved to understand who is doing what, as well as who has the decision-making power and authority.

A few stakeholders interviewed noted that there is a need for more collaborative discussion among the three 'sister branches' within the PSC, as well as between the RWO and departments on general matters related to respectful behaviour trends and emerging workplace issues.

The Policy loosely defines the circumstances under which an external investigator may be appointed, which includes *'disrespectful conduct that could lead to severe discipline, including termination of an employee, or in other exceptional circumstances, the RWO director may appoint an external investigator.'* To date, there has only been one external investigation conducted. Some key collaborators suggested that more frequent use of external investigators might be an effective tool for dealing with more complex situations and addressing capacity constraints.

While the SC has provided some valuable support and direction to the RWO, the contribution of the SC could be strengthened by holding more frequent meetings, having members take on more of an advocacy role, and involving a broader cross-section of representatives from the deputy minister and human resource communities in its activities.

The mandate and the composition of the SC is outlined in the Policy, section 3.4. Over the past five years, the SC has met at least annually to receive updates about the RWO, review reports and other resources, and discuss any proposed changes to the Policy, protocols and procedures. All members interviewed agreed the SC is an essential mechanism for supporting the RWO and providing feedback and perspective on the Policy and emerging issues. However, most agreed that the current role and engagement at the SC level should be strengthened. For example, it was recommended that the SC:

- Hold more frequent meetings to discuss strategic issues such as promotion, engagement and emerging issues related to dealing with workplace conflict and disrespectful conduct (e.g. trends, perceptions, systemic changes, etc.). Annual meetings are important to update the committee members on the activities, resources and action plans for the RWO. More frequent meetings would enable the SC to take a strategic role in addressing the challenges that the RWO is facing (e.g. with respect to better engaging the management and human resource communities across departments or supporting efforts to better manage expectations about the roles and responsibilities of the RWO).
- Take on a greater advocacy role in support of the Policy, the RWO and achieving cultural change within the Yukon government. The SC should be used as a central mechanism to

communicate accountability and the obligations of all government employees to act in accordance with the Policy. Communication materials could be developed and distributed through the SC members which would help clarify the role and responsibilities of the RWO vis-à-vis other mechanisms and reinforce the neutrality of the RWO and its non-adversarial approach.

- Consider limiting the tenure of SC members and/or increasing the size of the SC to create opportunities to attract representatives from the human resource and deputy minister communities and from departments which have tended not to be very involved in the RWO. The objective would be to facilitate stronger relationships with those departments and build new champions.

3.3 Outcomes

The services and approach to conflict management are generally appropriate given the objectives of the Policy and the types of issues referred to the RWO. The services have helped clients gain a better understanding of underlying issues, improve their communication skills, work collaboratively with others, and manage conflict in a constructive way. Supporting systemic changes towards healthier and more respectful workplaces will be a longer-term process which requires significant capacity building, leadership from management, and on-going collaboration between the RWO, management, unions and other stakeholders. Although more work is required, the workshops and training sessions have been effective in encouraging the conversation and promoting collective responsibility to create respectful, inclusive and healthy workplaces.

The major findings regarding outcomes are as follows:

The services and approach to conflict management are generally appropriate given the objectives of the Policy and the types of issues referred to the RWO. Clients reported that the RWO services helped them gain a better understanding of the underlying issues, improve their communication skills, and work collaboratively with others to improve the situation.

Conflict in the workplace can happen for many reasons. The clients who were interviewed most commonly indicated that the conflict or workplace issues related to a breakdown in communication, misalignment of priorities, various pressures and stressors from management, and interpersonal issues. Some noted a lack of leadership, a gossip filled workplace, and a mistrustful culture. Others spoke about systemic management issues and what they felt were disrespectful and bullying co-worker relationships.

Data recorded by the RWO indicates that, of the nearly 1,300 complaints received over the last 5 years, almost a third (33%) involve conflicts with superiors (including immediate supervisors as well as managers/directors), 26% involve workplace issues, 22% involve relationships with peers, and 15% involve conflicts with subordinates. The following table provides a summary of the number and nature of complaints registered with the RWO over the last 5 years.

Table 8: Number of Conflicts By Type, 2013-14 to 2017-18

Nature of Conflict	2013-14	2014-15	2015-16	2016-17	2017-18	Total	%
Conflict with Supervisor	35	106	80	66	69	356	27.6%
Workplace Issues	32	85	36	52	126	331	25.7%
Conflict with Peer	26	60	73	59	67	285	22.1%
Conflict with Employee	--	60	35	39	62	196	15.2%
Conflict with Manager/Director	5	--	5	27	28	65	5.0%
Job Related Issues	5	15	--	--	--	20	1.6%
Conflict with HR	--	--	1	--	1	2	0.2%
Other	2	8	7	8	9	34	2.6%
Total	105	334	237	251	362	1,289	100.0%

Source: RWO Statistics. Note: a client can have multiple conflicts; therefore, the number of complaints is not equal to the number of clients served

Over 70% of the clients interviewed reported that they used conflict coaching services from the RWO to help them build skills and strategies to communicate and deal proactively with conflict. According to the RWO data, coaching and consultations accounted for over half of the total number of services provided in the last 5 years. Other leading services include workplace assessments and interventions (23%).

Table 9: Number of Completed Services by Year

Services	2013-14	2014-15	2015-16	2016-17	2017-18	Total	%
Number of Services							
Coaching	107	161	123	175	216	782	30.2%
Consultations	174	72	61	115	210	632	24.4%
Workplace Assessment/ Interventions	7	15	172	296	114	604	23.3%
Facilitated Discussions	17	57	46	56	62	238	9.2%
Conflict Assessment	--	33	46	48	93	220	8.5%
Circles/Group Processes	2	18	41	17	30	108	4.2%
Mediation	2	1	2	0	0	5	0.2%
Total	309	357	491	707	725	2,589	100.0%

Source: RWO Statistics. Note: Clients can receive multiple services. In 2015-16 the methodology used to count Workplace Assessments/Interventions changed -from counting the number of workplaces in 2013-14 and in 2014-15, to counting the number of employees participating in workplace assessments.

When asked if the services were appropriate, given the type of issues they were dealing with, nearly two thirds of clients who provided feedback (65%, n=38), said that they were. They reported that the RWO services helped them to gain a better understanding of the underlying issues, improve their communication skills and work collaboratively with others to improve the situation. One client said *“they [RWO practitioners] were able to help individuals to articulate feelings and validate those feelings”*. Another client noted that the RWO staff *“were compassionate and committed to the best result”*.

Clients who were seeking coaching for better communication and early intervention (e.g. tense relationships with co-workers/managers) were more likely to say that the support received was appropriate. For example, one client noted *"Yes. I had a pretty easy situation. I would recommend to anyone that they nip it in the bud before it gets out of hand."*

Clients who were dealing with longstanding, more serious conflict situations were more likely to report that the services were not appropriate. About one third of clients did not perceive services to be appropriate to their situations. As discussed earlier, these perceptions are often driven by the need to have closure or resolution of the issue, obtain justice, and see concrete actions taken. In the words of one client *"No. I don't think that bullying, sexual harassment and abuse of authority should be RWO process. I don't think those are things that you should be forced to discuss with an aggressor."* Another client said that *"one of the fundamental issues that the RWO has is its seeming inability to accept that certain things cannot be changed."*

A few key collaborators added that, in many cases, issues are not primarily conflict-based. Rather, the issues tended to be rooted in concerns about workload, equity, a lack of leadership or communication, or changes that had been made in the workplace (e.g. changes in organizational priorities, roles and responsibilities) without sufficient attention and support paid to change management. It was noted, in such cases, that the ability of the RWO to deliver services that are needed is first dependent on their ability to assess, understand, and communicate the root of the problem.

The services have increased the capacity of individuals to manage conflict in a constructive way.

The RWO has improved individual capacity to better manage conflict through coaching, skills development and capacity building sessions, consultations, facilitated discussion, circles and other services. Many clients interviewed talked about the positive impact that coaching, consultation and workshop participation has had on them. Clients indicated that participation has:

- *Improved their willingness and ability to communicate their concerns and deal with conflict situations themselves.* Most clients, regardless of whether they were satisfied with the outcome of their specific case, noted that approaching the RWO and participating in the process has strengthened their confidence and improved their ability to have uncomfortable conversations. Some clients said that the process and support has empowered them to deal with a range of different situations. Feedback from management and directors illustrates their appreciation and the confidence they have in the work done by practitioners. In the words of one director, things *"could have gone very differently if the RWO hadn't been there to support us through the process"*. Another indicated that *"I have already applied some of the lessons I learned to address a different situation."* There were also numerous examples of clients who indicated that the services had enabled them to reflect on and improve their communication style, how they deal with stress, and how they provide or receive feedback.
- *Helped them to understand how they, as individuals, have a responsibility to address conflict.* Over half of clients reported that the RWO taught them how each of the different parties has responsibilities and how each is accountable. Several clients noted one of the most effective aspects of the process is that it reminded them that resolution comes from being willing to

take some responsibility and work together to address issues: “*there is not a good or bad person in the conflict – it’s time to move away from the blame game*”. However, some clients disagreed with what they saw as the ‘default approach’ by the RWO (i.e. which assumes that everyone bears some responsibility for the conflict), questioning “*why are we all being dragged through the process, when the conduct of one party was so obviously inappropriate*”.

Several of the key collaborators indicated that services, such as individual coaching sessions, can be very effective in helping clients to deal with a particular situation. However, they noted that the real value of the Policy and the RWO is in building the capacity of workplaces and individuals to address conflict, improve communication, and strengthen management and leadership style. Given new hires and the continuing movement of employees within and across government departments and units, achieving long-term, broad based systemic change will require ongoing training and continuing engagement.

Workshops and training sessions have been particularly effective in encouraging the conversation and promoting collective responsibility to create respectful, inclusive and healthy workplaces.

As indicated in the table below, over the past five years, the RWO has reported delivering 49 presentations and information sessions, 86 special request workshops and training sessions, and 48 half-day and full-day sessions for the Organizational Development Branch.¹¹

Table 10: Number of Sessions By Year						
Activity Type	2013-14	2014-15	2015-16	2016-17	2017-18	Total
Presentations/Information Sessions						
Number conducted (30 minutes to 2 hours)	30	10	2	2	5	49
Special Request Workshops/ Training Sessions						
Half day	22	7	5	2	2	38
Full day	10	15	12	5	6	48
Total	32	22	17	7	8	86
Organizational Development Branch						
Half day	0	7	4	2	0	13
Full day	0	12	4	5	14	35
Total	0	19	8	7	14	48

Source: RWO Statistics (2013-14 to 2017-18)

The workshops and training have been delivered to over 1,600 participants. The table below summarizes the number of participants involved in these sessions.

¹¹ The Organizational Development Branch researches, designs, and delivers general course offerings for Government of Yukon departments, work units and employees.

Table 11: Number of Participants By Year						
Activity Type	2013-14	2014-15	2015-16	2016-17	2017-18	Total
Presentations/Information Sessions						
Number conducted (30 minutes to 2 hours)	n/a	13	28	60	63	164
Special Request Workshops/ Trainings						
Half day	n/a	86	102	25	20	233
Full day	n/a	181	162	122	129	594
Total	n/a	267	264	147	149	827
Organizational Development Branch						
Half day	n/a	66	64	35	0	165
Full day	n/a	160	57	98	321	636
Total	n/a	226	121	133	321	801

Source: RWO Statistics (2013-14 to 2017-18)

Feedback on the RWO workshops has been very positive. The training methods and presentation styles have been consistently described by the attendees as informative, engaging and fun. The workshop evaluation forms illustrate the importance and impact of the sessions on the participants. The workshop participants noted that:

- The situational analyses and role playing clarified different conflict scenarios and led to self-reflection as to how each individual may unintentionally add to the conflict situation;
- The workshops broadened their perspective on how communication and certain behaviours can escalate conflicts;
- The sessions facilitated discussions about healthy conflict and creating a safe space for dialogue and reflection;
- The interactive methods of presentation allowed for constructive discussions with peers;
- The workshops deepened their understanding of different personalities and the underlying causes for conflicts (intentions); and
- They learned practical strategies and obtained tools that could be applied to address future conflict situations.

Numerous personal messages have been sent to the RWO in a show of support and appreciation for the services. One participant wrote:

"We found your approach well-tailored and delivered. At no time did I feel we were receiving cookie-cutter HR work place fodder. I have been in this industry for well over a decade and I have been talked at numerous times. This was the first time I felt that we were talked to, with, and about the issues of conflict management. It

was refreshing and certainly beneficial. Thank you for working towards a better workplace. We need it and people like you are changing things.”

The participants in the workshops and training sessions provided various suggestions for improvement:

- More specific examples of conflict situations and difficult conversations would be useful;
- The workshop should outline step-by-step strategies for dealing with conflict from the moment the issue has been recognized;
- More information should be provided regarding how management and organizational structures contribute to or constrain efforts to promote respectful workplaces;
- More role-playing scenarios should be incorporated;
- There should be more engagement of participants in the discussion, particularly around root causes of workplace disharmony;
- More information should be provided about cultural differences and how to deal with bullies; and
- The workshops should more actively promote the services of the RWO, providing more examples of strategies the RWO uses to help individuals deal with conflict.

The Blanket Exercise has been very effective in engaging the Government of Yukon employees to learn about Indigenous history and to reflect on the guiding principles of truth and reconciliation.

The Blanket Exercise is an interactive learning experience that covers over 500 years of Indigenous history in a 90-minute participatory workshop. Participants take on the roles of Indigenous peoples in Canada, while standing on the blankets that represent the land and learn about pre-contact, treaty-making, colonization and resistance. The workshop engages participants on both emotional and intellectual levels with an overarching objective of creating awareness around diversity, acceptance and responsibility.

As indicated in the table, more than 20 sessions have been staged involving over 800 people.

Fiscal Year	Exercises			Participants		
	Yukon Gov.	Special Request	Total exercises per fiscal year	Yukon Gov.	Special Request	Total participants per fiscal year
2018-Current	4	0	2 more planned	111	0	111
2017-18	4	2	6	103	50	153
2016-17	3	8	11	69	398	467
2015-16	3	1	4	79	30	109
Total to Date	10	11	21	251	478	840

Source: RWO Statistics (2013-14 to 2017-18)

Participants expressed overwhelming support for the workshop. The visualization and interactive storytelling aspects of the workshops were identified as the most powerful and effective elements. All participants indicated they would strongly recommend the workshop to their colleagues.

Participants reported that the Blanket Exercise made them become more aware of the history and its impact on Indigenous people, increased their level of empathy, and enabled them to reflect on their own judgement and the role that each can play in working towards truth and reconciliation. Some recommended that the workshop should be mandatory training for all government employees.

Supporting systemic changes towards healthy and respectful workplaces is a long-term process that requires strong leadership, trust and ongoing engagement and collaboration between the RWO, management, unions and other stakeholders.

Building organizational capacity to better manage and deal with conflict situations is not the sole responsibility of the RWO. Other parties, specifically senior executives and managers, play a critical role in setting the culture within their departments. The RWO can conduct workplace assessments, engage staff, provide some services and direction, set goals, and develop action plans in collaboration with management. However, primary responsibility for implementing the plan and making systemic changes in the workplace rests with the departments and is dependent on strong leadership and support from management. Both collaborators and clients recommended that more accountability should be built into the system to encourage management to act on the recommendations. One option would be to require management to formally report back to the RWO on what actions they have taken in response to the recommendations (similar to the Management Response and Action Plan system used by the Government of Canada).

The ability of the RWO to build trust, gain acceptance of its role and approach, and build partnerships and collaboration with management and others is crucial for achieving systemic change. Departments need to have trust that the services of the RWO will be effective and will contribute to an improvement in the workplace. It can take a long time to build trust and only one challenging situation to lose it. Departments may lose trust if they feel that the services are not constructive, effective or fair to the department. For example, one interviewee noted that their department management had been actively encouraging employees to seek assistance from the RWO when needed; however, because of the increasing number of referrals, the department felt that the RWO began to question their management practices and workplace behaviours (unfairly in the interviewee's opinion).

One of the concerns expressed by some of the departmental managers and others is that, given capacity constraints, the RWO tends to focus primarily on immediate issues (e.g. addressing individual cases involving conflict) and not enough on building longer-term capacity, promoting healthy workplaces, and creating systemic change. While recognizing that there is still a need to provide support on a case-by-case basis to address specific issues, some of the stakeholders recommended that the RWO should both increase the emphasis it places on delivering capacity building services (e.g. providing leadership training and managerial tools to help staff deal with difficult personalities and have difficult conversations rather than avoid them until the issue is out of control) and incorporate more capacity building activities into its case work (e.g. when conducting workplace assessments).

Some of the key factors that determine the success of the RWO include the strength of the relationships between the RWO and departments as well as the union, having a proactive approach to promotion and training, and changing the narrative and culture towards restorative, non-adversarial approaches to conflict management.

The results of the literature review and interviews point to a number of key success factors that contribute to achieving and sustaining respectful, healthy workplaces. These success factors include:

- **Maintaining strong relationships with senior management and HR consultants.** The departments and workplaces where the RWO has been successful in developing constructive and collaborative relationships with HR consultants and senior management are those that are most receptive and responsive to addressing issues and making real change. Strong collaboration with HR staff was noted as particularly important in distinguishing between the issues related to performance and conflict and being able to successfully work together on issues where they overlap.
- **Taking a proactive rather than reactive approach to building capacity, providing training and promoting respectful workplaces.** Key collaborators noted that the services provided by the RWO tend to be most effective when they are proactive and involve early intervention. Some noted that workshops can be more effective when they are not delivered in response to the known issue in the workplace (e.g. people are more receptive to having this kind of conversation when they are not feeling threatened by it).
- **Communicating and providing training about the Policy, principles and ADR approach on an on-going basis.** Most key collaborators reported that the respectful workplace training for managers and staff is a major success factor. The cultural shift from the old adversarial, punitive approach to dealing with issues will take a long time and requires concerted on-going educational and marketing efforts. The goal is to ensure that senior leadership fully embraces restorative policy, implements its principles through actions, and encourages staff to become more open to engaging in constructive and restorative behaviour and “spirited dialogue”.
- **‘Going and seeing’.** One of the best practices identified in the literature for understanding operational and management challenges is to ‘go-and-see’. True understanding of the work conditions can only be achieved through observation. A good example of this was one conflict management practitioner who spent time job shadowing with Emergency Medical Service personnel. This enabled the practitioner to develop a deeper understanding of the workplace environment, stressors, and power relations and helped build trust and collaborative relationships.
- **Recognizing that perceptions are everything.** Negative perceptions regarding the authority and neutrality of the RWO can seriously undermine efforts by the Director and practitioners to build more inclusive and respectful workplaces. Negative stories or misunderstandings about the role of and approach used by the RWO create a narrative that, unless addressed, can negatively impact the level of trust, utilization and ability of the RWO to affect change. Several clients noted that the RWO should use the power of positive stories to increase awareness and understanding of its role and the benefits of the ADR approach to dealing with workplace conflict.

- **Flexibility to adjust the strategy depending on the workplace culture and the specific situation.** The ability to adjust the strategy and approach when working with different departments, in different settings, and with different personalities is important for developing trust and collaborative relationships. Some interactions require more a direct and action-oriented approach while others may take a long time and a softer approach to building a relationship.
- **Recognizing that not all concerns can be addressed through ADR.** The frustrations of some clients who believe that there has been a serious case of abuse or bullying must be recognized and addressed in more proactive way.

3.4 Resources and Reporting

The budget for the RWO has remained relatively stable over the past five years, increasing from \$845,000 in 2013-14 to \$869,000 in 2017-18. Additional funding will likely be required to enable the RWO to deal with increased demand for services (particularly if efforts are made to build stronger relationships with departments and increase awareness of the RWO and understanding of the Policy) and place a greater priority on capacity building and promotion. The costs are likely largely or fully offset by the savings generated through improvements in Government of Yukon workplaces. A performance measurement framework should be developed to improve future reporting.

The major findings of the evaluation regarding the use of resources and performance reporting are as follows:

The budget for the RWO has remained relatively stable over the past five years, increasing from \$845,000 in 2013-14 to \$869,000 in 2017-18.

The following table summarizes the RWO budget and actual expenditures from 2013-14 to 2017-18 (actual expenditure data has not yet been published for 2017-18). It is not possible to determine the levels of expenditures that were allocated towards specific activities (e.g. the delivery of workshops amount versus the delivery of services to clients). However, even from the data that is available, it is clear that the volume of services delivered by the RWO has been increasing at a faster rate than are expenditures. For example, RWO total expenditures have declined from over \$7,000 per client served in 2013-14 to about \$2,400 in 2017-18. The cost per client has tended to decline over time as the number of clients referred to the RWO has increased (the average number of clients per practitioner was the highest in 2017-18, increasing from 40 in 2014-15 to 91 in 2017-18). RWO total expenditures have declined from \$2,385 per service delivered in 2013-14 to under \$1,200 in 2017-18.

	2013-14	2014-15	2015-16	2016-17	2017-18*
Full Time Employees, Budget and RWO Expenditures					
FTEs	6	6	6	6	6
Budget	\$845,000	\$849,000	\$834,000	\$842,000	\$869,000
Total RWO Expenditures	\$737,000	\$722,000	\$748,000	\$831,000	n/a

Table 13: Financial Indicators for the RWO, 2013-14 to 2017-18					
Cost per Clients and Services					
Number of Clients	105	159	237	251	362
Average Client per Practitioner (as per 4 practitioners)	26	40	59	63	91
Total RWO Expenditures Per Client Served	\$7,019	\$4,541	\$3,156	\$3,311	\$2,401
Number of Services Delivered	309	357	491	707	725
Total RWO Expenditures Per Service Delivered	\$2,385	\$2,022	\$1,523	\$1,175	\$1,199

Source: Total Budget and Actuals (Government of Yukon, Department of Finance - Operation & Maintenance and Capital Estimates 2013-14 – 2017-18¹²) *expenditures for 2017-18 are not yet published

Demand for services is increasing over time. Additional funding would be required to enable the RWO to deal with any increase in demand, particularly if efforts are made to build stronger relationships with departments and increase awareness of the RWO and understanding of the Policy. Additional resources would also be required for the RWO to place a greater priority on capacity building and promoting further development of respectful workplaces.

According to the staff, the RWO office is operating at capacity in terms of the number of cases that can be processed. While the staff indicated that there are currently no waiting lists for case conflict management (dealing with cases is the priority), capacity constraints impact on the speed at which cases can be processed and would restrict the ability to take on more work. Furthermore, most key collaborators interviewed anticipate that demand will increase if the RWO were to implement actions (e.g. engagement and communication programs) to build stronger relationships with departments and increase awareness of the RWO and understanding of the Policy.

Additional resources would also be needed for the RWO to expand training, workshops and other services in order to place a greater priority on capacity building and promoting further development of respectful workplaces. Most interviewees suggested that the RWO should increase its focus on providing preventative services including training and education activities, and strengthening collaboration with departmental representatives (HR staff and management).

Some key collaborators expect that, over the medium to longer-term as the RWO becomes more successful in building capacity and promoting respectful workplaces, there may be less of a need for funding targeted at specific complaints. It was suggested that the RWO should closely monitor any changes in the number of clients, type of cases and time spent on various activities going forward.

The costs of the RWO are likely largely or fully offset by the savings generated through improvements in Government of Yukon workplaces.

The literature shows that conflict avoidance and formal conflict management mechanisms (mediation and adjudication) can be very costly for employers in the private and public sectors.

¹² <http://www.finance.gov.yk.ca/general/publications.html>

Conflict disrupts workplaces, lowers productivity, reduces motivation, and increases turnover. Some studies have found that managers spent between 20% to 40% of their time dealing with conflict.¹³ The Justice Canada evaluation of the Informal Conflict Management System suggest that the costs associated with the conflict management increase substantially as the resolution process moves from alternative dispute resolution and mediation to formal investigation and adjudication. The report cites other government studies that estimated the average cost of mediation to be about \$7,000. This is significantly higher for cases that involve more formal investigation and adjudication processes.¹⁴ The average costs of different conflict resolution management are difficult to estimate as they can vary significantly depending on type and severity of the conflict, number of parties involved, time required for investigation, etc. However, studies have shown that alternate dispute resolution processes are 10 to 15 times faster than traditional mediation process.¹⁵ The costs of the RWO approach to conflict resolution is therefore by its nature substantially lower than the costs associated with more formal processes).

Given that professionalism and skills of the RWO staff were identified as a key success factor, ensuring that there are adequate resources for ongoing professional development and self-care is critical to the effectiveness of the RWO.

There is a general consensus that the knowledge, skills and passion of the RWO practitioners greatly contributes to the success of the process and the supports provided. Although some differences exist in strengths across practitioners, their commitment, skills and knowledge of the latest research in conflict resolution, mental health, leadership and communication are recognized and appreciated. The RWO budgets less than 1% of its funding annually on training and professional development. Apart from 2015, where only one professional development activity has been recorded, RWO staff have been able to participate in numerous workshops, online courses, webinars (e.g. Violence Risk Triage workshop; online certificate in Workplace Innovation; Workplace Sexual Harassment; Brave, Honest Conversations; Lego Serious Play; negotiation skills; and conflict coaching) and conferences. The RWO staff are satisfied with the professional development opportunities and expressed gratitude for the support and encouragement received from the RWO Director with respect to self-care and maintaining well-being, given the nature of work and risk of burn out.

The RWO Director has been instrumental in establishing the RWO, management, building relationships and holding discretionary decision-making on handling of specific cases. It is anticipated that the Director will retire in the near future. Concerns have been raised about succession. This is yet another reason for ensuring that procedures, protocol and communication materials are established and well documented.

Reporting is almost entirely focused on counts rather than underlying causes and trends. A performance measurement framework should be developed to include targets for various services, type of complaints brought to the RWO, success rates in addressing concerns, and progress made in building individual and organizational capacity to manage conflict.

¹³ The Cost of Conflict -Whitepaper

<https://mediationworks.com/wp-content/uploads/2016/11/cost-of-conflict-whitepaper-.pdf>

¹⁴ Informal Conflict Management System Evaluation, Department of Justice (2010).

<https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/11/icms-sgice/icms-sgice.pdf>

¹⁵ Ibid.

The SC receives annual statistical data from the RWO which reports on the number of clients served by department, the number of services provided, the nature of complaints (e.g. whether the conflict was with another employee, manager/director, peer, supervisors, etc.), reasons for closure and closure time for case files, collaboration and workplace training. No information is reported on the type of conflict as identified in the Policy (e.g. disrespectful conduct, discriminatory conduct, sexual harassment, abuse of authority, bullying). Very few incidents of sexual harassment had been reported. Given recent reports suggesting that one in four women in the workplace experience sexual harassment, it is very likely that these cases are underreported or are being reported to the department. While the RWO has managed sexual harassment complaints in collaboration with department human resource staff and management and the union, these numbers are too low to be reported.

Because the RWO is a part of the PSC, other branch priorities and departmental goals have been reflected in the planning documents, including the logic model. While it is expected that the RWO would be involved in supporting the work of other branches, it should not be measured on the outcomes that are beyond its responsibility. For example, logic model outcomes such as a 'reduction in mental health and other disability leave' should not be included and performance should not be measured on that outcome.

In collaboration with the SC, the RWO should define more realistic outcomes that are directly related to the goals of the Policy and reflective of the RWO interventions. The performance measures should set the benchmarks and focus on measuring outcomes regarding individual and organizational capacity building (e.g. change in the type and nature of complaints, increase in participation in workshops and capacity building activities, implementation of recommendations arising from the workplace assessments, number and types of engagement with HR staff and senior management) and progress made in creating healthier, more inclusive workplaces (e.g. employee engagement, improved communication, etc.).

4.0 Conclusions and Recommendations

4.1 Conclusion

Relevance

There is broad support for the work and services provided by the RWO and recognition of the important role it plays in supporting government workers to deal with conflict and promote healthy and respectful workplaces. According to recent federal government studies, workplace conflict and harassment continues to be a major issue in Canadian workplaces. Addressing workplace issues leads to more engaged and productive employees. It also increases employee retention, particularly among younger workers who tend to have different communication styles and expectations of their employer and are more likely to change employers if their needs are not met.

While awareness of the RWO has increased over time, understanding of its role, approach and services remains relatively low. Most clients learned about the RWO through its workshops, followed by referrals by HR staff, supervisors and managers. The RWO needs to work closely with HR representatives and senior management within each department to build further support for this non-adversarial approach. Departments where there is a strong buy-in from management and HR staff are more likely to utilize the RWO services, have realistic expectations about the process, and have more positive experiences.

Further work is also needed to address the tendency of Government of Yukon employees to view the RWO as a last resort, seek resolution to a problem rather than support in addressing the issues themselves, and fear retribution or disciplinary action if they use the services.

Issues identified as gaps were mostly related to the need to improve existing services and processes rather than develop new services. For example, interviewees commonly identified a need to expand access to training and capacity building services, increase the online presence and access to useful skills developing resources, visit workplaces more frequently to promote services and engage with staff, and improve triage and management of complex cases.

Design and Delivery

Clients were largely satisfied with the services received (believing that they were listened to and understood by conflict management practitioner and satisfied with how they were personally treated). Clients generally felt that the process was timely (over two-thirds of files have been closed within six months and the RWO representatives reported that there are no waiting lists). They also reported that the process was engaging, although some expressed feeling anxious about third-party involvement or issues being brought up in facilitated meetings. Over half of the clients felt that the process was transparent and fair to everyone involved.

Concerns about process related mostly to perceived lack of neutrality and transparency in decision making, the outcome of the process (some clients entered the process expecting resolution of the issue, not assistance in dealing with the issue), and the follow-up. A common suggestion is that more challenging and complex cases where conflict may require disciplinary action or resolution should

be raised to a different procedural level (e.g. ICM or CCM process). Concerns about the follow-up process related mostly to the limited ability of the RWO to take action when recommendations have not been implemented.

The RWO has collaborated closely with the YEU (about 123 cases were addressed collaboratively) and other parties through various mechanisms including ICM and CCM. The level of collaboration between the RWO and departmental staff (HR staff and management) varies greatly across departments, which is reflected in the utilization of services. ICM can be effective in ensuring that information is shared, all underlying issues are addressed (disability, conflict, performance, etc.) and that the client is not overburdened with too many separate processes. Collaboration with other parties is important but should be guided by well-established protocols and processes to ensure transparency.

The SC has provided valuable support to the RWO. Its contribution could be strengthened through more frequent meetings, providing more strategic direction to the RWO, and having the members get more involved in promoting services and being stronger advocates and champions of the Policy.

Outcomes

The RWO has focused primarily on addressing conflict by coaching and supporting individuals and dealing with individual cases (62% of clients agreed that services helped them to understand workplace conflict and actively participate in resolution/management). Some progress has been made with respect to building the capacity of individuals and government departments to understand healthy conflict and address disrespectful conduct. The workshops and the Blanket Exercise have been well-received and impactful. The RWO has been somewhat less successful to date in developing strategies and promoting more integrated, collaborative workplaces and improving workplace environments (only 37% of clients said RWO services improved their work environment).

The RWO services and supports are more effective when there is a strong engagement with HR staff and buy-in from the senior management. Other key success factors include education and marketing efforts aimed at changing the culture from a punitive approach to non-adversarial conflict management, having a good understanding of work conditions, and focusing on preventative strategies.

Resources

The budget for the RWO has remained relatively stable over the past five years, increasing from \$845,000 in 2013-14 to \$869,000 in 2017-18. Additional funding will be required to enable the RWO to deal with increased demand for services (particularly if efforts are made to build stronger relationships with departments and increase awareness of the RWO and understanding of the Policy) and place a greater priority on capacity building and promotion. Some resources should be allocated to establishing and documenting processes, procedures and protocols, strengthening reporting capabilities, supporting the RWO Director succession process, and onboarding new conflict management practitioners. The costs are likely largely or fully offset by the savings generated through improvements in the Yukon government workplaces.

4.2 Recommendations

The RWO and the SC should consider implementing the following recommendations. Implementation of the recommendations described here will require additional resources and more intense involvement of the SC.

1. Develop a conflict management process map to provide more clarity on when and how to engage with the RWO.

A conflict management process map should be developed to provide clarity and instructions to employees, HR staff and management about recognizing unhealthy conflict, differentiating conflict from performance management, dealing internally with conflict, and clarifying when and how to seek assistance from the RWO. The document should make clear statements about the responsibilities of all parties to work together and use internal resources to deal with conflict but also highlight the benefits of dealing early with conflict in order to prevent the damage that conflict avoidance can have on the workplace.

2. Improve the perceptions about the transparency and neutrality of the RWO process by developing clear protocols for triaging and processing cases based on their level of complexity and need.

To address concerns about transparency and neutrality, the RWO should develop and post on their website protocols that explain step-by-step how the complaints are triaged to identify the level of complexity or seriousness, how decisions are made about individual cases and the processes that are available, who may be involved in different processes (e.g. CCM process), and what clients should expect as the result of the process. The protocols should highlight that confidentiality is a priority and outline steps that the RWO takes to protect it. Establishing the process and clear responsibilities for decision making will also address the perceptions about the discretionary decision making by the Director.

3. Consider strengthening the authority of the RWO in the Policy.

One of the most common frustrations expressed by clients was the lack of authority of the RWO to affect action, particularly during the follow-up process. Strengthening the follow-up process could involve requiring that departmental staff report back, in writing, on each action recommended in the RWO reports. The non-confidential information (e.g. change in departmental policies and practices, communication, culture) could then be shared.

4. Develop marketing and communication materials for online and physical distribution.

The marketing and communication materials should describe the role and authority of the RWO, outline the ADR process including the rationale and benefits of the RWO approach, and highlight success stories. The communication materials should be clear about what clients should and should not expect from participating in the RWO services. Marketing materials should also highlight the benefits of workshops, and other capacity building activities and exercises.

5. Increase efforts and resources to build relationships and trust with departmental staff, focusing on HR staff and senior management, and deliver capacity building services.

The evaluation findings clearly show that the RWO is most effective when trust and collaborative relationships have been established between the RWO practitioners and the departmental staff. This will require additional efforts and resources to be put into meeting periodically with HR staff and management, visiting workplaces, and engaging preventatively, not just in response to issues. The RWO should consider adopting a Customer Relationship Model, in which one specific staff member would be assigned as the primary contact for a particular department to foster interpersonal relationships and facilitate closer and more frequent communications.

6. Pursue opportunities to integrate the RWO workshops and training with other professional development opportunities available for Government of Yukon employees.

Efforts to provide training opportunities, build leaderships skills, offer conflict management workshops, and deliver knowledge building exercises such as Blanket Exercise are strongly supported by most stakeholders and clients. Opportunities should be explored to provide joint training with other professional development opportunities such as training on Indigenous history and reconciliation.

7. Develop a performance measurement framework and strengthen reporting.

A performance measurement framework should be developed to reflect the goals and intended outcomes of the RWO services, focusing on the nature and type of change that has been achieved. The reporting should be able to demonstrate the progress made. Below are some examples of performance information that the RWO should consider collecting:

- Previous referrals, complaints or involvement in conflict;
- Source of referrals (e.g. management, HR, union, colleagues, self-referral);
- Type of conflict as identified in the Policy (e.g. disrespectful conduct, discriminatory conduct, sexual harassment, abuse of authority, bullying);
- Referrals to other services/programs (e.g. counseling, anger management, leadership courses);
- Outcome of follow-up services (e.g. conflict resolved, departmental policy change, improved communication, removal, disciplinary action) and parties the RWO followed up with (e.g. employee, management, leadership, HR, union, etc.);
- Number and type of engagement/collaboration activities with HR staff/management
- Number and type of cases considered complex
- Rationale for specific actions taken/service provided
- Request for and reasons for involvement of other parties (union, HR staff, management, etc.)

Please note that this is not an exhaustive list. The RWO should, in collaboration with the SC, review the logic model and systematically work through the outputs and outcomes to develop a comprehensive performance measurement framework.

Appendix A: List of Literature Reviewed

Government of Canada - Understanding and Attracting Millennials

<https://www.canada.ca/en/employment-social-development/corporate/reports/2016-renewal-progress/recruit/student-strategy.html>

Government of Yukon, Department of Finance - Operation & Maintenance and Capital Estimates 2013-14 – 2017-18

<http://www.finance.gov.yk.ca/general/publications.html>

Harassment and Sexual Violence in the Workplace Public Consultations – What We Heard; Economic and Social Development Canada (2017)

<https://www.canada.ca/en/employment-social-development/services/health-safety/reports/workplace-harassment-sexual-violence.html>

Informal Conflict Management System Evaluation, Department of Justice (2010).

<https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/11/icms-sgice/icms-sgice.pdf>

Policy Review of Workplace Harassment and Sexual Harassment Policies, Practices and Procedures Report and Recommendations, MLT AIKINS, Western Canada's Law Firm.

http://www.manitoba.ca/csc/pdf/rep-exp/MLTA_report-policy_review_of_workplace_harassment_and_sexual_harassment_policies_practices_and_procedures.pdf

The Cost of Conflict -Whitepaper

<https://mediationworks.com/wp-content/uploads/2016/11/cost-of-conflict-whitepaper-.pdf>

The 2016 Deloitte Millennial Survey. Winning Over the Next Generation of Leaders.

<https://www2.deloitte.com/content/dam/Deloitte/global/Documents/About-Deloitte/gx-millennial-survey-2016-exec-summary.pdf>

Yukon Bureau of Statistics, Yukon Employment October 2018

http://www.eco.gov.yk.ca/stats/pdf/mr_Oct2018.pdf

Yukon Employee Engagement Survey, 2018 Corporate Results

http://www.psc.gov.yk.ca/pdf/2018_EES_CorporateReport.pdf