

# DISPUTE PREVENTION AND RESOLUTION POLICY



## PREAMBLE

The purpose of the Dispute Prevention and Resolution Policy ("Policy") is to set out the process for filing or analyzing complaints **other than** those of abuse, harassment, negligence, violence or the reporting of a situation that compromises integrity. This process includes an internal appeal mechanism that complies with the established principles of recourse procedures and natural justice.

This Policy in no way replaces any or all applicable laws, regulations or other provisions.

## DISPUTE PREVENTION AND RESOLUTION (DPR) PROCEDURES

In its operations and delivery of its services, the Québec Golf Federation ("Golf Québec") aims as much as possible to prevent and settle disputes without resorting to the courts. To this end, Golf Québec encourages all organizational participants to communicate openly and cooperate with each other and it favours the use of dispute prevention and resolution (DPR) methods.

- a) DRP methods are ways of preventing or resolving misunderstandings, problems, opposition or even conflicts. Their use is voluntary. They must be chosen by mutual agreement between the people who are experiencing one of these situations. These methods generally encourage people to cooperate and participate in finding solutions that satisfy everyone.
- b) DRP methods allow various elements of the disagreement to be considered in the search for solutions, such as the needs and interests of the people involved (self-esteem, safety, relationships, fairness, costs, etc.). To do this, people can come to an agreement between themselves, without recourse to another person, for example through negotiation.
- c) They can also be guided by an impartial person to reach an agreement. Several DRP methods requiring the presence of a third party can be used, such as mediation, conciliation, arbitration or the intervention of an ombudsman, to name just a few.
- d) DRP methods also make it possible to avoid the uncertainty, costs and other negative effects associated with lengthy appeals and complaints processes, and even a possible trial.

- e) Any person or entity has an obligation to consider recourse to private dispute prevention and resolution methods before going to court. The purpose of this obligation is to encourage people or entities with a dispute to take steps to try to reach an agreement before matters escalate to the point of going to court. It also encourages a shift from a culture of litigation to one of agreement.

*Reference:*

<https://www.quebec.ca/en/justice-and-civil-status/dispute-prevention-resolution-processes>

## **FILING A COMPLAINT**

- a) Any person or entity may file a complaint with Golf Québec by sending an e-mail to [plaintes@golfquebec.org](mailto:plaintes@golfquebec.org) , provided that the complaint does not involve a situation that affects integrity, such as abuse, harassment, negligence or violence.
- b) The complaint must include a description of the facts complained of and must name the person or persons identified as responsible for the said facts.
- c) The complaint must be made as soon as possible, but within no more than two (2) years of the last event or events giving rise to it.
- d) Exceptionally, in a context where integrity is at stake (respect for and protection of a person's physical and psychological state), complainants are invited to contact the *Protecteur de l'intégrité en loisir et en sport* directly to report a situation by writing to [plaintes.pils@pils.gouv.qc.ca](mailto:plaintes.pils@pils.gouv.qc.ca).

## **HANDLING COMPLAINTS**

- a) When a complaint is filed with Golf Québec, the person responsible for handling it under this Policy must be independent. In most cases, this person will be the Golf Québec Executive Director or a person designated by him or her. Exceptionally, the Board of Directors will be responsible for handling complaints against the Executive Director.
- b) Complaints must be dealt with as quickly as possible to put an end to the situation and prevent any deterioration in the working, volunteering, learning or activity climate.
- c) The person responsible for handling a complaint verifies that it is well founded by means of an appropriate investigation. To do this, he or she contacts the parties and potential witnesses, or meets with them, if necessary, to assess the seriousness and scope of the acts complained of. If necessary, she/he may call on an external resource person to analyze the nature, relevance and merits of a complaint.

- d) If a complaint is deemed to be abusive, frivolous or made in bad faith, the complainant may be subject to disciplinary or administrative measures.
- e) If the complaint appears to be admissible, the person responsible for handling it informs the person who is the subject of the complaint of the progress of the complaint against him or her. The person responsible will also ensure that the presumption of good faith of the person who is the subject of the complaint is respected, as well as his or her right to be heard at any stage of this Policy.
- f) The person responsible for handling a complaint shall ensure that any temporary preventive measures are effectively implemented if necessary.
- g) The person responsible for handling a complaint shall, as far as possible, identify a DRP method suitable for each of the parties. Where appropriate, the person responsible for handling a complaint will convene the person who is the subject of the complaint to attempt conciliation and to find a solution to the situation with the complainant.

## **DECISION**

- a) The person responsible for handling a complaint then takes the appropriate steps to resolve the complaint, which may include sanctions depending on the seriousness, extent, and frequency of the situation.
- b) Any negotiated settlement is binding on the parties and cannot be appealed.

## **CORRECTIVE MEASURES**

- a) The Executive Director or the person designated by him/her or by the Board of Directors is responsible for applying this Policy and it is this person who, if necessary, will decide on the corrective measure(s) required, depending in particular on the seriousness, extent, and frequency of the situation.
- b) If necessary, the person who is the subject of a complaint may be prohibited from accessing program and service sites or participating in activities.
- c) In the case of Golf Québec staff members, members of the Board of Directors, officers, and volunteers, the following measures may be taken, without limitation:
  - a. Interim measures before and during the investigation (for example, suspension, leave of absence with or without pay, or transfer).
  - b. Request for a formal apology.
  - c. Verbal or written reprimand.
  - d. Participation in a training session on appropriate behaviour in the workplace.

- e. External consultation.
- f. Suspension without pay for a specified period.
- g. Transfer.
- h. Demotion.
- i. Dismissal.

**PERSON RESPONSIBLE FOR APPLYING THE POLICY AND THE COMPLAINT HANDLING PROCESS**

- a) The application of the Policy and the Complaint Handling Process is the responsibility of the Executive Director or the Corporate Secretary, depending on the case, who shall:
  - a. Ensure that all persons are aware of the Complaints Handling Policy and Process.
  - b. Provide advice to all persons on any matter relating to dispute prevention and resolution.
  - c. Regularly remind everyone of the existence of the policy and follow up as appropriate.
  - d. Organize training and information sessions on the policy.