




Agriculture and
Agri-Food Canada

Agriculture et
Agroalimentaire Canada



EVALUATION OF INFORMAL CONFLICT MANAGEMENT SERVICES OFFERED BY AAFC'S OFFICE OF CONFLICT RESOLUTION

Final Report

Office of Audit and Evaluation

June 9, 2009

Canada

Report approved by AAFC's Departmental Evaluation Committee on June 9, 2009.

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LIST OF ACRONYMS

AAFC	Agriculture and Agri-Food Canada
ADM	Assistant Deputy Minister
ADR	Alternate Dispute Resolution
CCRW	Communication and Conflict Resolution in the Workplace
CGC	Canadian Grain Commission
CDC	Canadian Dairy Commission
CMS	Case Management System
CTA	Canadian Transportation Agency
DFAIT	Department of Foreign Affairs and International Trade
DFO	Department of Fisheries and Oceans
DM	Deputy Minister
DND	Department of National Defence
HR	Human Resource
ICMS	Informal Conflict Management System
OCR	Office of Conflict Resolution
PSLRA	Public Service Labour Relations Act
PWGSC	Public Works and Government Services Canada
TBS	Treasury Board Secretariat
U.S.	United States of America
WCA	Workplace Conflict Assessment

EXECUTIVE SUMMARY

This report presents the results of an evaluation of information conflict management services and activities provided by AAFC'S Office of Conflict Resolution over the period July 2002 to February 2009.

Program Description

AAFC's Office of Conflict Resolution (OCR) was established in 2002. Its services and activities were designed to ensure compliance with Treasury Board's 2001 *Policy on the Prevention and Resolution of Harassment in the Workplace*, which mandates the offer of mediation in all cases of harassment. OCR also offers other informal conflict management services, such as conflict coaching and team interventions, with the objective of providing departmental managers and employees with the capacity to prevent, manage and resolve conflicts at the earliest stage.

OCR has nine employees and, since the summer of 2008, reports to the Assistant Deputy Minister of Human Resources (HRB).

Evaluation Scope and Objectives

This evaluation examines the work of the OCR over its first six years. Informal conflict management services provided by other areas of the Human Resources Branch were outside the scope of this evaluation.

Summary of Evaluation Findings

Relevance

There is a continued need for the services provided by the Office of Conflict Resolution as they provide the Department with a means for ensuring compliance with legislation requiring the provision of informal conflict management services and with federal policy on the prevention of harassment in the workplace.

Informal conflict resolution services and activities are seen to be valuable by managers and employees, who have made increasing use of these services since 2002.

Performance

Enhanced internal partnerships

OCR's conflict resolution services and efforts have established and strengthened relations with key partners involved in conflict management at AAFC. Internal partnerships among stakeholders have been developed and/or enhanced through OCR's efforts at awareness building. OCR has accomplished this through its

documentation, including its communiqués, and its Director's participation on the HR Management Team meetings and the departmental Issue Resolution Network.

Despite this progress, given the provision of some informal conflict management services by areas of the HR Branch other than OCR, there is a need to clarify the respective roles of OCR and these other areas, and to communicate these roles and services to departmental employees.

Awareness of OCR activities and benefits

There appears to be significant staff awareness of OCR activities and a view that its services are beneficial. According to a 2006 OCR-led survey, 71% of AAFC respondents were aware of OCR's services at that time. Employees reported learning about the services most frequently from OCR's communications materials or from a colleague, manager, HR or union representative, according to the same survey.

Most who have accessed OCR services say they are aware of the benefits of effectively managing conflict. Three quarters reported that their interactions with OCR had made them more aware of the benefits of effectively managing conflicts.

OCR's conflict resolution training is the service most widely accessed by AAFC staff, likely because it forms part of each AAFC employee's core learning curriculum.

Strengthening staff and organizational capacity

OCR has helped strengthen staff conflict resolution competencies. The training it offers employees, in particular, appears to be successful in this regard. The ability to understand conflict and its impacts, to handle conflict and to know how to seek assistance are all results of OCR's training.

Since more than 900 employees have been trained in conflict resolution, the capacity of the Department as a whole to deal with conflict has improved. In addition to the training, OCR's information and consultation and its conflict coaching services are seen to have significantly contributed to the management and resolution of conflicts at AAFC.

Confidentiality of Service: A key principle

Confidentiality is a standard of practice in the field of informal conflict management and is critical to any informal conflict management service. OCR has clearly recognized this importance and communicated the confidentiality of its services. Employees recognize the Department's adherence to confidentiality, although some concern was expressed about the need to maintain this confidentiality in OCR's new operating context, ie its move to the Human Resources Branch.

Impact on Conflict Prevention and Early Management

While the demand for OCR mediation services peaked in 2005-06 and has declined slightly since, this may reflect the beneficial impact of other OCR services, such as training on enhancing conflict resolution capacities and early resolution of conflicts, thus obviating the need for mediations.

Where OCR has provided mediation services, they have had a very positive impact, as is reflected in the 83% settlement rate and over 150 mediations concluded. It is likely that, in the absence of OCR, some of these situations would have become formal grievances. This clearly demonstrates achievement of OCR's outcome of preventing and managing conflict at the earliest and lowest possible stage.

Efficiency

Relevant literature, anecdotal evidence, and examples provided by interviewees during the course of the evaluation suggest that OCR services have been beneficial for the Department, saving time and money over the last six years. Relevant examples from the U.S. government suggest dramatic savings in the costs of resolving conflicts through alternative dispute resolution of up to \$10,000 per mediated case and suggest that ADR processes are up to 15 times faster than formal grievance processes.

Recommendations

The following recommendations stem from the evaluation and are intended to further strengthen the work of the Office of Conflict Resolution and support achievement of its objectives.

1. The ADM, Human Resources, should clearly define the roles and responsibilities of conflict resolution services at AAFC.
2. The ADM, Human Resources, should communicate to departmental employees the conflict resolution services that are available to them, the confidential nature of these services, and how the services can be accessed.

1.0 INTRODUCTION

Agriculture and Agri-Food Canada's Office of Audit and Evaluation undertook an evaluation of the informal conflict management services provided by the Department's Office of Conflict Resolution (OCR) over the period July 2002 to February 2009. The objective was to assess the impact of the services on the Department and recommend improvements, if appropriate.

1.1 Overview of the Office of Conflict Resolution

AAFC was one of the first federal departments to implement an Informal Conflict Management System (ICMS), the establishment of which became a requirement of the *Public Service Labour Relations Act* (PSLRA) in April 2005.¹

In 2007-08, the OCR had a staff of nine and an annual budget of roughly \$900,000. Originally launched mainly as a mediation service, OCR now provides a full range of interest-based approaches -- as opposed to the more traditional rights-based approaches, such as formal grievances -- to deal with conflict through the provision of mediation and other interest-based conflict resolution service lines. A number of activities provided by other areas of the Human Resources Branch complement OCR services and activities.

OCR works "to enhance individual and organizational capacity to deal positively and productively with workplace conflict by providing all employees and managers at AAFC across Canada with the following services:"²

- Information and Consultation: includes responding to requests for information as well as assisting employees and managers to determine the most appropriate approach to resolving their specific workplace issues and if necessary, outlining available and relevant services;
- Facilitation: a conflict resolution practitioner assists and enables parties to clarify and communicate their concerns in order to help them resolve their issues;
- Pre-mediation: meeting with parties in a dispute individually, prior to convening face-to-face mediation sessions, to provide an overview of the mediation process;
- Mediation: the conflict resolution practitioner assists participants to discuss their problems by guiding them through a series of stages to share their perspectives, concerns and interests, and to help them reach a mutually acceptable solution;

¹ An ICMS promotes and facilitates the use of what is generally referred to as "interest-based" conflict resolution processes as opposed to the more formal "rights-based" conflict resolution processes, such as grievances. In the context of this study, interest-based processes are also referred to as Alternate Dispute Resolution (ADR) processes. However, the terminology is not absolute and may be used differently by different practitioners in the ADR/informal conflict management field.

² OCR 2006-07 Annual Report

- Conflict Coaching: a specialized one-on-one guided process in which a trained conflict coach assists people to effectively prevent or resolve specific conflicts as well as to gain competency in their conflict management skills;
- Workplace Conflict Assessment (WCA): a process used to gather information about the state of a specific work environment from the point of view of its employees to reveal various dynamics that could be underlying causes of conflict. It engages management and employees in a collaborative action planning process for the resolution of identified issues;
- Team Interventions: are intended to allow employees affected by a conflict to share their individual concerns, perspectives, and interests with each other. The process is designed collaboratively with employees and management and can include HR and bargaining agents, if requested by employees. Team Interventions can also include other services such as Mediation or Conflict Coaching in order to help manage the conflict and bring about positive and sustainable change to their working group; and
- Training: A two-day workshop titled "Communication and Conflict Resolution in the Workplace" (CCRW) that teaches participants about the nature of conflict, how conflict escalates and how individuals can change their response to it. The course focuses on both theory and practice to provide participants with an opportunity to acquire and practice collaborative communication skills, as well as take away tools that can be readily applied to their day-to-day lives.

OCR reported directly to the Deputy Minister until the summer of 2008 when the OCR's formal accountability moved to the AAFC Human Resources Branch, reporting to the Assistant Deputy Minister of Human Resources.

1.2 Logic Model

A logic model (Figure 1) for the work of OCR was created to support the evaluation. It outlines the links between OCR services and activities, its outputs and its expected outcomes. Expected results are identified in the immediate-, intermediate- and long-term (end outcome).

OCR's activities are designed to:

- enhance internal partnerships;
- increase staff awareness of the benefits and potential impact of OCR services;
- develop conflict resolution competencies; and to
- manage and resolve both individual and team conflicts at AAFC

In the long-term, OCR activities are intended to help ensure AAFC has a working environment where workplace conflict is seen as an opportunity for positive change. This is to be achieved by enhancing departmental staff's capacity to deal positively and productively with workplace conflict and by having conflicts prevented, or managed at the earliest and lowest stage possible.

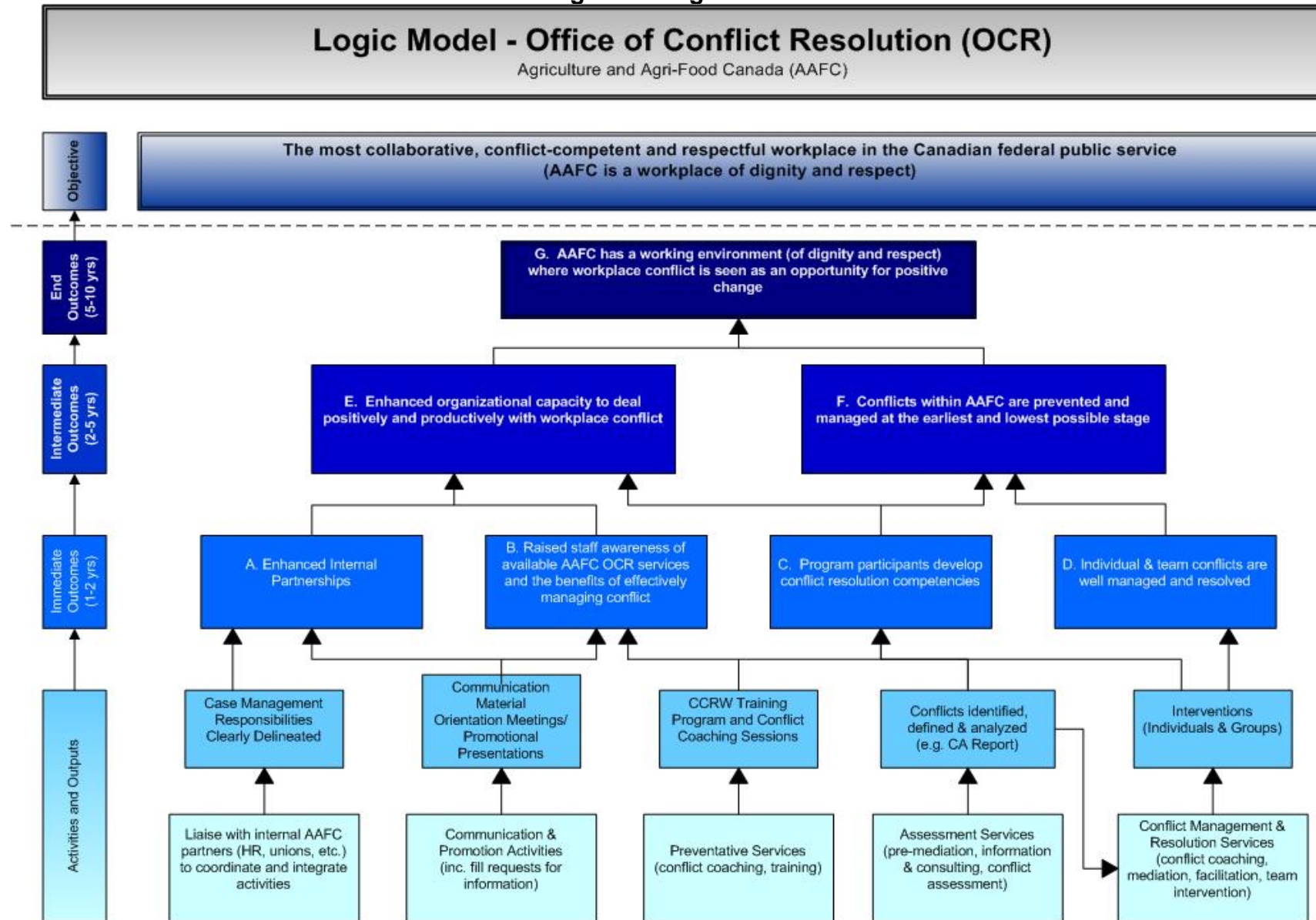
1.3 Scope of the Evaluation

This evaluation covers the period from OCR's inception in July 2002 to February 2009.

It examines the work of OCR and actions that could be taken to improve positive outcomes. This report focuses on OCR's success, with some discussion of continued need. Design and delivery issues are considered only to the extent to which they affect overall success.

Informal conflict management services provided by other areas of the HRB were outside the scope of this evaluation.

Figure 1: Logic Model



2.0 EVALUATION METHODOLOGY

AAFC's Office of Audit and Evaluation conducted this evaluation, with some assistance from an external consultant and a subject matter expert. The report was written by evaluators with the Audit and Evaluation Branch.

2.1 Evaluation Questions

The following questions were assessed:

- Does the work of the OCR continue to be necessary and relevant?
- What difference has OCR made?
 - What is the direct impact of OCR on AAFC staff and users of its services as well as on internal partners?
 - What is the impact of OCR on AAFC's working environment?
- How do OCR services compare to similar organizations in other departments and what improvements can be made?
- Does OCR have an adequate performance monitoring strategy in place?
- Has the OCR realized efficiencies?

2.2 Lines of Inquiry

The following lines of inquiry were used for this evaluation:

OCR Client Survey (Survey of OCR users)

An e-mail and web link survey was issued in fall 2008 to 1,061 AAFC employees who have used OCR services since its inception. The response rate³ was 34.8%, with a margin of error of +/- 4.2% 19 times out of 20. The survey was used to collect information on the perceptions of those who have used OCR services since 2002.

Interviews

Interviews were conducted with key AAFC staff (OCR staff, HR professionals, managers, etc) and union representatives. The distribution of interviewees by groups is shown in the table below. The interviews were used to collect information from various perspectives, particularly regarding the relationship among internal partners involved in conflict resolution and the impact of Team Interventions.

³ The actual number used to calculate the response rate was 912 since 19 surveys were undeliverable and 130 employees were either sent the survey in error or did not recall having used OCR services. (Thus N=1061-19-130=912). A total of 317 respondents went on to answer all survey questions.

Table 1: Interviews

Interview Group	Number of Interviews
OCR Staff	6
Union Representatives	4
AAFC HR Professionals	5
AAFC Senior Managers (headquarters and regions)	6
Managers of teams that had an OCR Team Intervention	5
TOTAL	26

The following terminology is used in this report for reporting interview results:⁴

Terminology	Number of Interviewees	Percent of Interviewees*
A few	3-6	12-24%
Some	7-13	25-49%
Many	14-19	50-74%
Most	20-25	75-99%
All	26	100%

*Percentages rounded

Where the number of interviewees responding to a question was less than five, results are reported as the actual number of interviewees (e.g. three of five) or all or none.

Quantitative Analysis:

Data from the existing OCR Tracking System (TS) database was analysed to obtain information on service uptake.⁵ The TS also provided the information base from which to develop the sample frame for the survey of OCR users.

Document Review

Documents such as related legislation, policies, guidelines, course material, communications material, annual reports, and Departmental Performance Reports since 2003 were reviewed.

⁴ Terminology of Government Consulting Services

⁵ Three software systems have been developed for the OCR: The first was developed in the Office's inception year (2002). This is the Office of Conflict Resolution Tracking System (TS), used for all services except Conflict Assessments, for which the Workplace Conflict Assessment System (WCAS) software was developed in 2004. In 2008 a Mercury System was launched to replace the TS.

Literature Review

A literature review provided an understanding of current best practices in Alternative Dispute Resolution within large organizations, particularly in the U.S. federal government, Australia and some organizations in Canada.⁶ Most programs described in the literature were not generally workplace programs but rather court and tribunal programs, family and community mediation programs, and external agency/customer complaint programs.

Comparative Analysis

A comparative analysis was conducted of federal departments similar to AAFC that have implemented a conflict management system in order to assess the performance of OCR against other similar organizations. Four federal departments were chosen including the Departments of National Defence (DND), Fisheries and Oceans (DFO), Public Works and Government Services Canada (PWGSC) and Foreign Affairs and International Trade (DFAIT).

Departments selected have conflict resolution programs that have been in place for a comparable length of time. Service lines across the departments are similar to those offered by the OCR. While training is provided by all, the number of courses available and course duration varies significantly. Other characteristics of each of the organizations (including OCR) are noted below (as of 2008).

Table 2: Conflict Resolution Organization Characteristics

Department	AAFC	DND	DFO	PWGSC	DFAIT
Name of Program	Office of Conflict Resolution	Alternate Dispute Resolution Program	Centre of Values, Integrity and Conflict Resolution	Office of Workplace Conflict Management	Prevention and Conflict Resolution Office
Length of time in place (years)	6	5	10	3	4
Employee population served	6,500	136,077	10,504	13,839	10,500

⁶ The term ADR in the American and Australian studies is more broadly defined taking into consideration rights-based processes that are not considered ADR in Canada.

2.3 Limitations

The evaluation was requested by the Office of Conflict Resolution before it moved to the Human Resources Branch. Its scope was, therefore, limited to the work of the OCR; informal conflict management assistance / activities provided by other areas of the Department were not included in the evaluation.

Calculations of savings to the Department as a result of OCR were not possible because estimates of the money and time spent on conflict resolution via OCR and through traditional dispute resolution processes were not available. In addition, no data was available on OCR performance in meeting service standards that would have provided supporting evidence of the extent to which OCR has realized efficiencies, assuming such data was also available for other interest-based work done in the Human Resources Branch and for rights-based cases to compare to.

While a survey of all AAFC employees was conducted in 2006, the 2008 survey conducted for this evaluation was limited to employees who had used the services of OCR. As a result, comparisons to the 2006 survey were limited.

3.0 FINDINGS

3.1 *Continued Need for information conflict management services and activities*

Departmental conflict mediation services and activities remain relevant as they are a means for ensuring compliance with federal policy relating to workplace conflict.

OCR activities and services help ensure compliance with Treasury Board's 2001 *Policy on the Prevention and Resolution of Harassment in the Workplace*⁷, which mandates the offer of mediation in all cases of harassment. This policy is intended to create a work environment where all are treated with respect and dignity, to promote well-being in the workplace, and reinforce values of integrity and trust that are said to be the foundation of a sound organization.

OCR services also ensure that AAFC is compliant with Section 207 of the *Public Service Labour Relations Act (PSLRA)* where it states that: "...every deputy head ... must, in consultation with bargaining agents ..., establish an informal conflict management system and inform the employees ... of its availability."⁸ The PSLRA refers to the importance of "mutual respect and harmonious labour -management relations".

The mandate and guiding principles for OCR services and activities reveal a clear link to the federal government legislation and policies identified above.⁹ The mandate of the OCR is to "enhance individual and organizational capacity to deal positively and productively with workplace conflict through the provision of various ADR services."

OCR objectives are also closely aligned to departmental priorities in the area of human resource management. AAFC's 2007-2009 Human Resources Plan noted that one of the gaps or pressures for the Department is "employees' attitudes towards the effectiveness of informal and formal redress processes" and suggested that the strategy to deal with this issue is to "promote the use of informal and alternate dispute resolution as a means to address conflicts."

AAFC employees and managers have made use of both mandatory and optional conflict resolution services.

The demand for conflict resolution services and activities has increased every year since 2002. As shown in Figure 2, in 2002-03, 63 interventions were delivered by OCR; by 2007-08 this number had climbed to 166 interventions. These numbers include

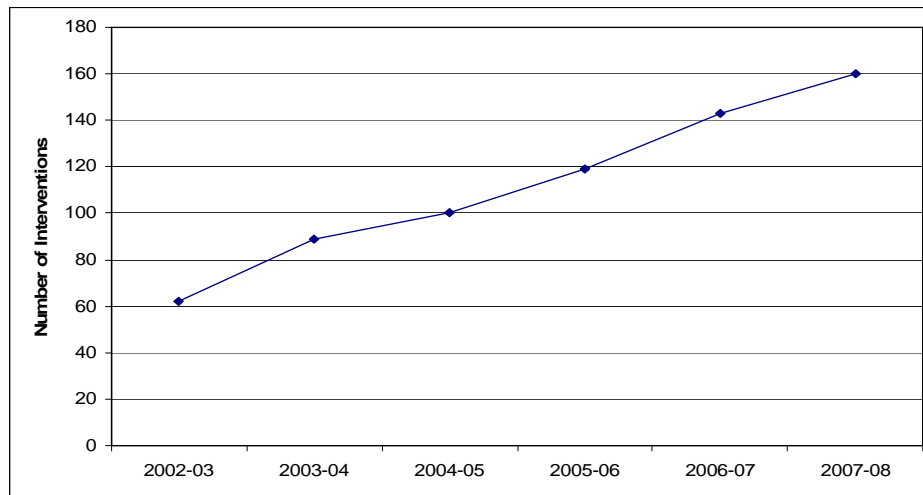
⁷ Treasury Board of Canada Secretariat, Policy on the Prevention and Resolution of Harassment in the Work place, 2001, Taken from: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12414§ion=text>, October, 18, 2007

⁸ Government of Canada, Public Service Labour Relations Act, 2003, Section 207. Retrieved, February 14, 2008 from http://www.psagency-agencefp.gc.ca/hrmm-mgrh/pslra/APEX-PartI_e.asp

⁹ Office of Conflict Resolution Guidelines

delivering training on conflict resolution, which is the only mandatory component of OCR services, in that it is identified as part of employees' core learning programs.

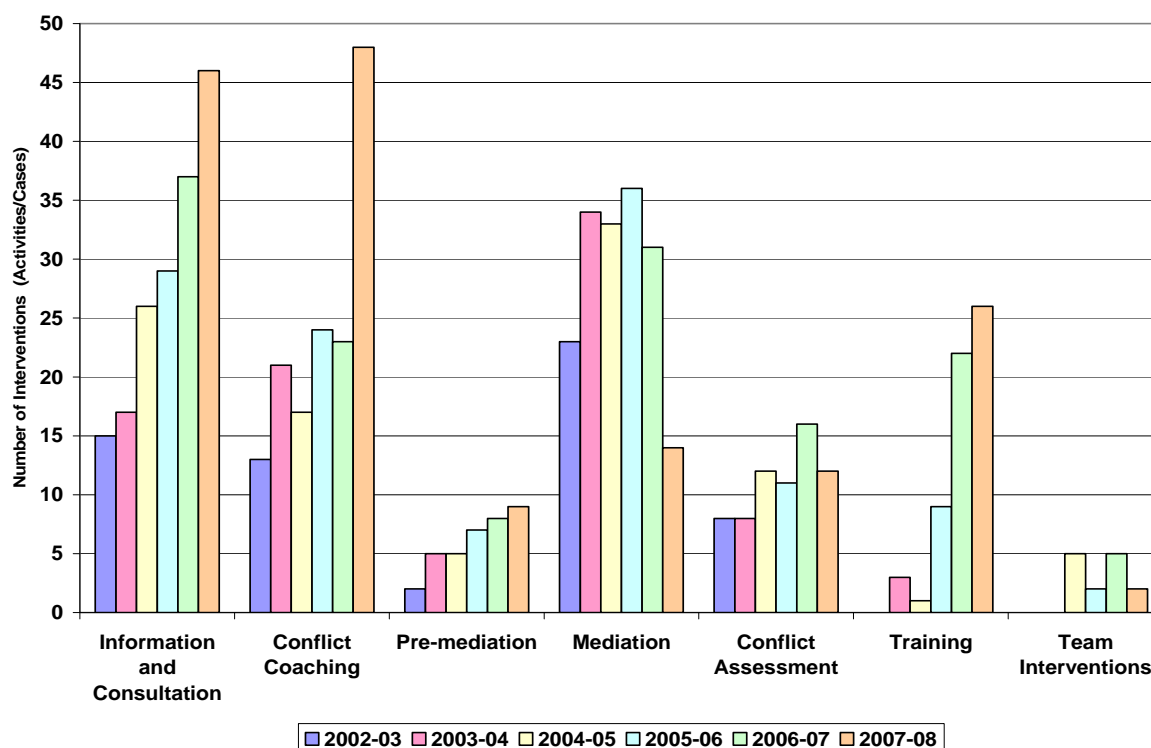
Figure 2: OCR Service Delivery by Year



Source: OCR database

As Figure 3 shows, uptake of OCR services increased steadily over the years, including both the training, which employees are required to take as part of their core learning and most of the other (optional) services. In fact, the largest increase in demand was for OCR's information and consultation and conflict coaching services, both of which are demand driven, as opposed to the CCRW course which, as noted above, is required training.

Figure 3: OCR Service Delivery by Year and by Service Line



Source: OCR database

The 2006 OCR-led department-wide survey also showed the significant usage with a total of 21% of respondents indicating that they had used the services of OCR.¹⁰ OCR's database shows that, over the past six years, about one in six AAFC staff members (over 1,000) have used OCR services to help manage a conflict or have participated in training (discounting staff turnover).

3.2 Performance

3.2.1 Immediate Outcomes

Enhancing Internal Partnerships among Key Stakeholders

While OCR services and activities have helped establish and strengthen relations with key partners, further clarification and communication of the respective roles and responsibilities of OCR and other key players involved in conflict resolution is required.

OCR's first immediate intended outcome is "enhanced internal partnerships", for which clarity of the roles and responsibilities of the OCR, HR and other key players for conflict

¹⁰ N=633

prevention and resolution is a pre-requisite.¹¹ Several documents have been produced that define roles and responsibilities among AAFC's key players in conflict resolution.

At a high level, the *Public Service Labour Relations Act* makes it mandatory for deputy heads to establish an informal conflict management system and inform employees of its availability.

At the departmental level, *OCR Guidelines* provide information on its mandate, mission, vision, roles and responsibilities. From the guidelines, it is clear that managers, HR representatives and bargaining agents are encouraged to consult OCR staff should they be aware of situations of conflict or where previous attempts to resolve conflict have been unsuccessful. Employees are also encouraged to contact OCR staff directly. Where collective agreement rights or other related issues are in dispute, OCR staff may recommend that they contact their bargaining agent or their HR representative and to ensure that bargaining agents and HR representatives are involved appropriately. Conversely, employees who initially contact their HR representative or their bargaining agent regarding a conflict may be referred to the OCR to determine if their issues can be resolved through ADR.

- ***Intra-departmental partnerships have been enhanced through the OCR's involvement in the Department's Issue Resolution Network.***

The Department's Issues Resolution Network was established partly in response to governance gaps that prevented a coordinated response among groups involved in conflict resolution. Its purpose is to identify sensitive employee-related cases and issues within the Department to ensure that senior management is advised at the earliest moment possible and that appropriate units within the Department are engaged as required to provide multidisciplinary advice.¹²

As of February 2009, discussions were underway to explore possible consolidation of all issue resolution data on separate areas of the same platform to provide for greater coordination, analysis and reporting capability in this area, while maintaining confidentiality.¹³

Participation by the OCR Director in HR Management Team meetings have also contributed to enhanced internal partnerships among the Department's key players and stakeholders involved with conflict management services.

- ***Roles and responsibilities for conflict prevention and resolution of OCR staff and other key players, such as HR, are not clearly understood.***

¹¹ See Figure 1: Logic Model

¹² Issue Resolution Network: Terms of Reference

¹³ A "One-Department Approach" To Effective and Efficient Issue Resolution, Draft AAFC PowerPoint deck, February 12, 2009

Some human resources staff interviewed believe that policy documents are unclear, that clearer guidelines are needed, and that there is little information available that addresses roles and responsibilities in the area of information conflict management at AAFC.

Many interviewees noted that roles of HR and OCR sometimes overlap, with the result that it is not always clear to employees whether to seek assistance from staff of the Office of Conflict Resolution or from other Human Resource Branch staff. They further stated that clear roles and communication of the mandate and services offered by each group involved in conflict resolution would assist OCR and other HR units in making referrals.

Access to OCR services and programs is made more efficient when users are aware of the relevant roles and responsibilities. The majority (65%) of OCR users surveyed for this evaluation indicated that the process of accessing OCR services was efficient. The 11% that believed the process was inefficient offered suggestions for improvement that included better awareness by supervisors and HR representatives and fewer stops along the way to minimize "red tape".¹⁴ Survey respondents also provided open-ended comments that informed this finding. They suggested that managers need to be made more aware of the benefits of OCR services and activities, and that the OCR needs to better engage managers to get them "on board" during the delivery of OCR services.¹⁵

Staff Awareness of OCR services and activities

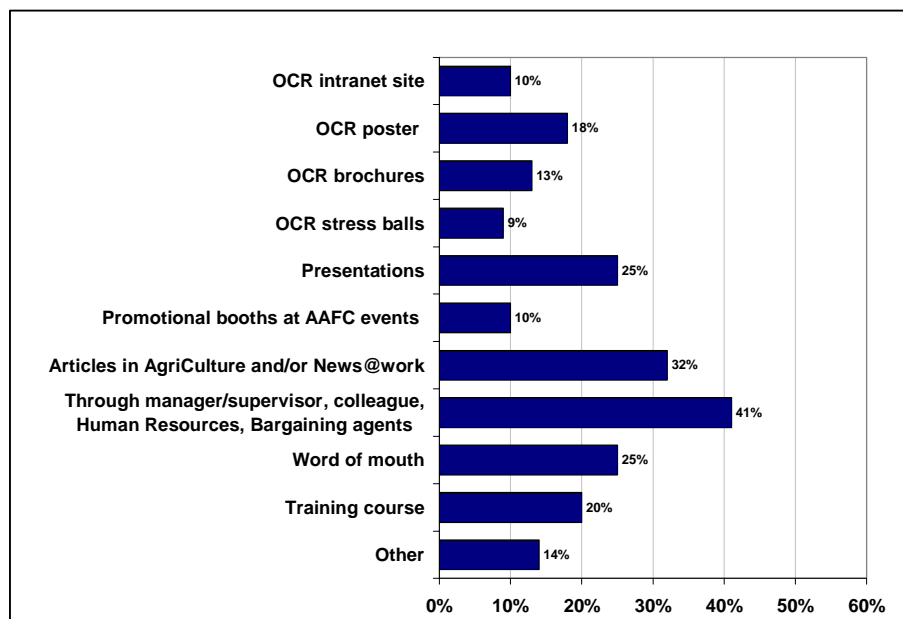
There appears to be significant AAFC staff awareness of OCR, and a view that its services are beneficial.

A second immediate outcome of OCR work is increasing staff awareness of its services and their benefits. According to the OCR's 2006 AAFC employee survey, 71% of respondents were aware of its activities and services.

¹⁴ In this case 11% represents 35 respondents; 77 respondents (24%) chose "Do not know".

¹⁵ These comments were offered by 15% of 145 respondents to the open-ended question "If you were to improve one thing about the OCR, what would it be?"

Figure 4: 2006 AAFC Survey Results: How did you learn about OCR services?



- ***While some employees have approached OCR staff directly for assistance, many access its services through referrals, primarily through supervisors and HR representatives.***

Forty-one percent (41%) of the 2006 survey respondents who were aware of OCR's work said they had learned about it from a manager, supervisor, colleague, HR representative or union representative. Only a few said that OCR's communication and promotional material contributed to this awareness, yet 45% of the 2006 survey respondents identified at least one of the communication materials listed in Figure 4 as the source of their awareness.¹⁶

The 2008 evaluation survey of OCR users indicated that OCR communication material made 25% of respondents aware of the services, compared to 45% in the 2006 survey. The difference in the role of communication material in raising awareness of OCR can be explained by the difference in respondents, namely that while all of the 2008 survey respondents were OCR service users, only 21% of the 2006 survey respondents were. Thus, the 2006 survey's respondents were primarily non-users, and non-users are more likely to learn of the service from communication material than users, who, when in need of the service are more inclined to ask for it whether or not they have come across communication material.

One-quarter of OCR cases recorded in the database made initial contact with the OCR through a referral from the HR Branch. This is similar to the evaluation survey results of 22%.

¹⁶ Respondents were asked to select all that applied.

- ***Most users of OCR services report they are aware of the benefits of effectively managing conflict.***

Findings from interviews and the 2008 survey of OCR users indicate that OCR activities and services are seen to be relevant and valuable, and should be maintained. Most interviewees noted that there is a continuing need for OCR services; some attribute this to the fact that workplace conflict will always exist.

Some interviewees noted multiple benefits of OCR's services: increased staff competency to deal with conflict and a vehicle to resolve conflict at the earliest possible stage. Results of OCR's 2006 survey support these findings: 77% of respondents said that OCR is a valuable service that should be continued.

In terms of employee awareness of the benefits of effectively managing conflict, the 2008 OCR user survey found that just over three quarters of respondents reported their interaction with OCR has made them more aware of these benefits.¹⁷

Development of Conflict Resolution Competencies

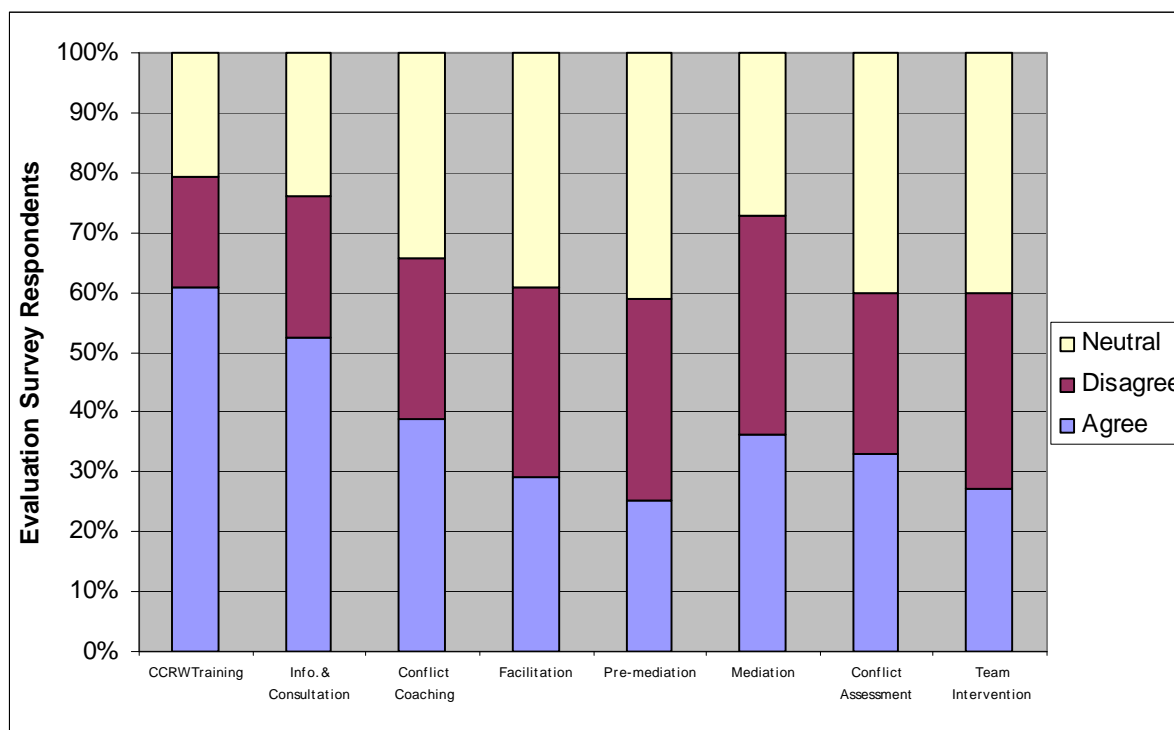
OCR activities have contributed to the development of employee conflict resolution competencies particularly through training and information and consultation services.

The Canada Public Service Agency's *A guide to the Key Elements of an ICMS* states that an information conflict management service provides the working conditions where employees and managers "have the opportunity to develop the skills to deal with conflicts effectively and respectfully" and to "have more productive working relationships".

Not all OCR services have conflict competency development as their primary objective. Services such as team interventions and mediation are intended to manage and resolve specific conflicts, though the development of conflict competencies is a key and often prerequisite skill to accomplish this and is a secondary result. This is in some contrast to conflict resolution training which is intended, first and foremost, to develop competencies as a proactive measure, instead of reacting to an existing conflict. In the 2008 survey, OCR users were asked if they agreed that OCR services had increased their competency in managing conflict. Results are shown in Figure 5.

¹⁷ 11% chose "Neutral"

Figure 5: Contributors to Competency Development



Source: Evaluation 2008 OCR Users Survey

As can be seen above, survey respondents reported that conflict resolution training and information/consultation have led to competency development. There was less agreement that other OCR services contributed to competency development in this area.

- ***Conflict resolution training has increased understanding of conflict, awareness of the effects of conflict, where to seek assistance, and the ability to communicate and handle conflict.***

Conflict resolution in the workplace training feedback forms suggest a number of benefits derived by course attendees. These forms asked “What would you do differently as a result of what you learned today?” Participants who responded to this open-ended question said they would change their behaviour in the following ways as a result of having attending the course:¹⁸

¹⁸ Course participant forms filled=272; those who offered comments=217, but due to multiple comments, total comments = 243

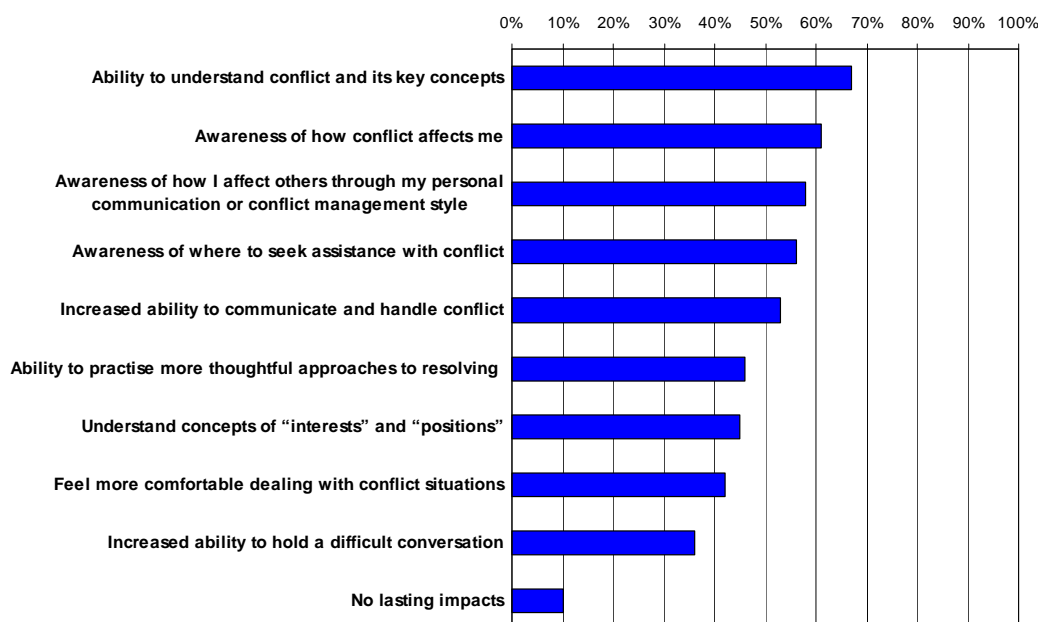
Table 3: Summary of Immediate Impacts of Conflict Resolution Training

	Responses (n=217) ¹⁹
Assume less, listen more, ask more questions, and find and respect other points of view	31%
Make a plan by stepping back, analyzing and preparing before responding	21%
Use general skills learned to prevent conflict escalation and to resolve issues	17%
Use more "I" language versus "you" statements	11%
Miscellaneous / Unique responses, i.e., dissimilar to others	20%

Source: CCRW Training feedback forms

In addition, a number of lasting impacts of CCRW training were identified by respondents to the OCR user survey, shown in Figure 5 (based on respondents checking off all that applied from a list of OCR objectives).²⁰

Figure 6: Impacts of Conflict Resolution Training



Source: Evaluation 2008 OCR Users Survey

These responses suggest that conflict resolution training has increased understanding of conflict, awareness of the effects of conflict, where to seek assistance, and the ability to communicate and handle conflict.

However, competencies related to increased ability to actually manage conflict such as the ability to practice more thoughtful approaches to resolving conflict, feeling more comfortable dealing with conflict situations and increased ability to hold a difficult conversation, are cited less frequently (less than 50% of respondents). Ten percent of

¹⁹ Responses summarized into similar groupings

²⁰ n=240

those participating in conflict resolution training reported that there have been no lasting impacts.

Effective Management and Resolution of Individual Conflicts

OCR activities are seen to be contributing to the effective management and resolution of individual conflicts.

A fourth intended immediate outcome of OCR services is that individual conflicts are well managed and resolved. One might expect that this would be reflected in increased demand for OCR mediation services. However, while demand for pre-mediation services has increased year-over-year, the demand for mediation services has declined in recent two years (2006-07 and 2007-08). This may reflect the success of other OCR services, such as conflict resolution training and information, conflict coaching and consultation services. One would expect that, if these services are resulting in enhanced conflict resolution competencies among AAFC staff, the demand for mediation services could decline as individuals or groups resolve conflicts without the need for mediation.

- ***OCR mediated conflicts have a high settlement rate that compares favourably with other similar organizations.***

For those cases of conflict that made use of OCR's mediation service line, data indicates that the settlement rate is 83%. This compares favorably to rates in other departments as documented in the literature review and the comparative analysis.

The literature review shows that, in the U.S., mediation settlement rates vary from 49% to 84%, with the award-winning U.S. Air Force program having a 75% settlement rate.

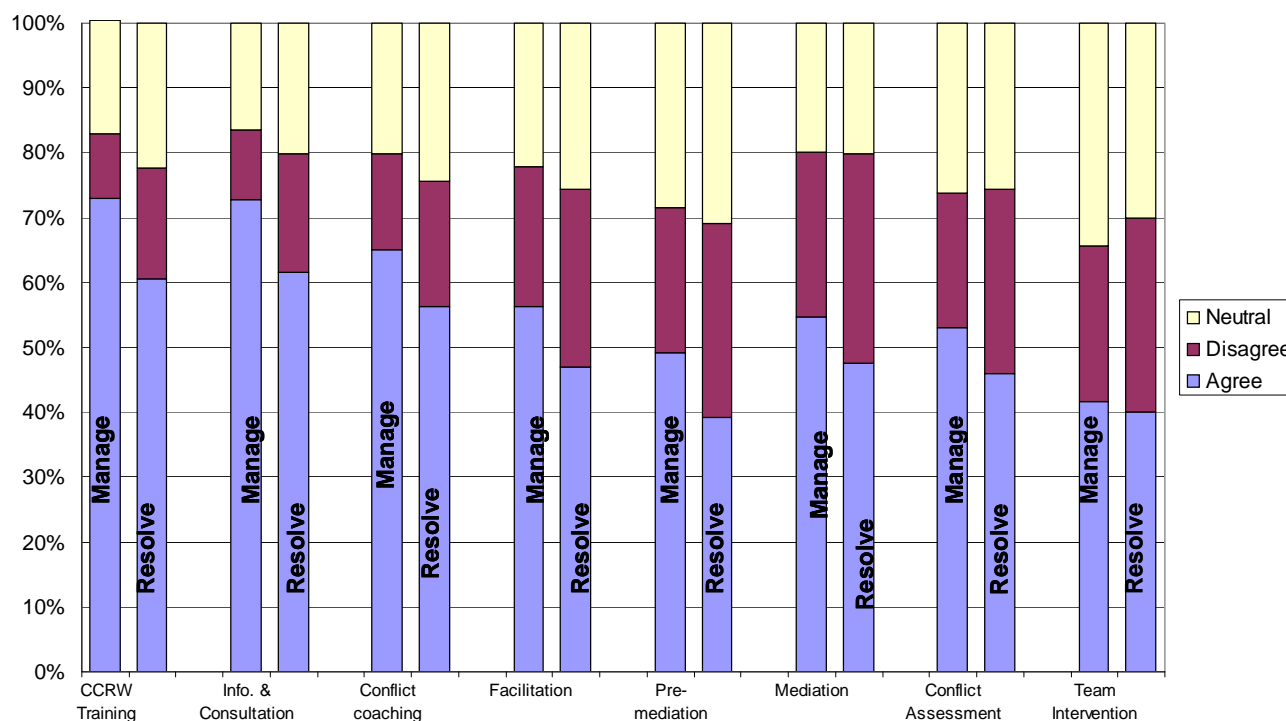
The comparative analysis found settlement rates among other federal departments were between 73% and 87% (DND, DFAIT, DFO, PWGSC).

OCR Mediation feedback forms over the period 2004 to 2008 show an 80-90% satisfaction rate. Clients felt that they were given options by the mediator and over 90% would recommend the service.

- ***Conflict resolution training, information and consultation, and conflict coaching have been significant contributors to conflict management and resolution at AAFC.***

As shown in Figure 6, above, conflict resolution training, information and consultation, and conflict coaching activities have made the greatest contribution to AAFC conflict management and resolution with between 56% and 73% of OCR users surveyed agreeing that these services helped them manage and resolve their conflicts.

Figure 7: OCR Services Have Helped Manage and Resolve Conflict



Source: Evaluation 2008 OCR Users Survey

- **Results are mixed as to whether OCR's team interventions have helped manage and resolve conflict.**

For OCR's team intervention service line, interview information supplemented information from the OCR user survey. Most interviewees who were managers of teams that had experienced interventions felt that the intervention process had been very productive, that they were provided with viable options through the conflict assessment report developed at the outset, and that the process delivered an action plan that enabled them to move forward. Most managers reported that the results of the team intervention were more positive than going to a rights-based approach. Managers all stated that they would have attempted to manage pieces of the conflict on their own if OCR did not exist, but they did not believe that this approach would have gotten to the "root" of the problem as OCR services had been able to do.

The OCR user survey indicated that managers were more positive about team interventions than non-managers. Sixty percent (60%) of managers agreed that team interventions helped their teams to manage conflict and 54% reported that they helped resolve conflicts.²¹ However, more non-managers disagreed than agreed that team interventions were helpful, with only 28% agreeing that they had helped manage their

²¹ There were only six managers or supervisors who chose Disagree for the "manage" and "resolve" questions.

conflicts (31% disagreeing) and 27% agreeing they had helped resolve them (44% disagreeing).²²

3.2.2 Intermediate Outcomes

Enhanced Departmental Capacity to Deal with Conflict

OCR has contributed to enhanced departmental capacity to deal with conflict.

Enhanced departmental capacity to deal positively and productively with workplace conflict is one of two intended intermediate outcomes of the OCR.

OCR's tracking system database indicates that, as of July 2008, 920 AAFC employees (or about 15% of the current employee population) had attended OCR's course on conflict resolution. Currently, conflict resolution training, delivered by OCR staff, sometimes with the assistance of Human Resource Branch staff, is included in each of the Department's five core learning programs as a "required learning module" for each employee category: supervisors, employees, managers, senior managers, senior leaders and, functional specialists.

Since conflict resolution training is seen to be a significant contributor to competency development (as shown in the previous section), both in terms of perception of impact and in numbers trained, it is likely that such training has made a significant contribution to enhanced organizational capacity to deal positively with workplace conflict.

Increased capacity is also demonstrated by the fact that 72% of OCR users surveyed agreed that interactions with OCR have helped them to apply new skills to manage workplace conflict (13% disagreed and 14% were neutral²³).

- ***OCR services are recognized as having had positive impacts, that are associated with enhanced conflict resolution capacity, in AAFC workplaces.***

The literature review indicates that there are many "collateral" or additional benefits of an informal conflict management system such as that offered by OCR. Benefits include improved productivity, improved working relationships, increased morale and decreased absenteeism.

The Canada Public Service Agency's "*A guide to the key elements of an informal conflict management system*" also identifies the collateral benefit of "more productive working relationships" as a result "of having a well established information conflict management system".

²² Note: The addition of those who chose "Neutral" provides a sum of 100%.

²³ Does not add to 100% due to rounding

In addition to OCR providing awareness and information on where to get assistance when conflict arises, managers of teams that had undergone team interventions reported other positive impacts as a result of the intervention by OCR:

- improved morale, productivity and communication;
 - empowerment in terms of contributing to positive change;
 - increased respect for all the players involved in conflict through the setting of ground rules to guide discussion and encourage people to speak for themselves;
 - increased compassion in the workplace after the intervention; and
 - increased tolerance and understanding of how people are affected by conflict.
- ***OCR's adherence to confidentiality is key to a successful conflict resolution program***

Standards of practice in the field of informal conflict management require independence, impartiality and confidentiality as a foundation for an organization's capacity to manage conflict. For example, the Alternate Dispute Resolution Institute of Canada has "trust and confidentiality" in its Code of Ethics.

The Canada Public Service Agency's "*A guide to the key elements of an ICMS*" states that "practitioners fulfill their key role by protecting the confidentiality of all those who seek their assistance, and the confidentiality of all information exchanged during an informal process, except where required to divulge information by legislation" (i.e., the *Access to Information and Privacy Act*).

OCR guidelines, posted on the Department's intranet site state that confidentiality is one of its guiding principles:

- All records and files maintained by the OCR are confidential, subject to *Access to Information and Privacy Acts* and shall not become part of an employee's personnel file.
- The OCR may share information with parties/stakeholders as agreed to by the employee with their full knowledge and consent.

Both the 2006 and 2008 employee surveys found significant knowledge of and belief in the OCR's confidentiality practices.

Table 4: AAFC Survey of OCR Information

2006 SURVEY OF ALL AAFC STAFF			
Did you know that the OCR Services are:		Yes	No
A	Provided by a neutral third party who has no decision-making authority and does not represent the interests of any of the parties	58%	42%
B	Confidential	76%	24%

The evaluation's 2008 survey of OCR users asked respondents if they agreed with the following statements:

		Yes	No	Neutral
A	I believe that the services provided by OCR are independent (are delivered in an "arms length" manner from management).	63%	25%	12%
B	I believe that the services provided by OCR are confidential.	68%	19%	13%
C	I believe that the services provided by OCR are trustworthy.	69%	17%	14%

Most interviewees said that OCR is independent, confidential and trustworthy. Comments made by interviewees to support this included the belief that OCR clearly acts as a neutral third party and that it is clear that they do not represent any of the parties involved in a dispute. As well, interviewees noted that OCR's location off-site provided a sense of independence. Reassurance by OCR staff was seen as important in demonstrating confidentiality as was the strict adherence to the signing of confidentiality waivers during delivery of OCR services.

- ***The OCR's new reporting relationship is in keeping with practices in some other federal departments.***

In the summer of 2008, a decision was taken to move OCR the HR Branch, bringing AAFC in line with a number of other federal departments including PWGSC and the Department of National Defence.

Some concerns were expressed during the course of the evaluation about this move. A few interviewees felt that integrating OCR into HR may result in increased confusion amongst employees concerning the role of the different players involved in managing conflict. These interviewees noted that there is the risk of decreased independence and impartiality/objectivity with this move, since they saw HR representing the employer's interests. In particular, issues raised included the need to keep OCR interactions out of personnel files.

Respondents to the survey of OCR users also expressed concerns about independence: 17% of the 145 respondents who offered suggestions for improvement, noted that OCR needs to remain at arm's length from management and needs to maintain its independence. This was, in fact, the second most common response to the survey question asking for the one thing respondents would want to improve.

Confidentiality remains an important consideration in service delivery for each of the organizations studied for this evaluation's comparative analysis. Confidentiality is maintained through various means such as: holding files in confidence, excluding ADR staff from union membership, using signed agreements prior to initiating the ADR process and providing results to all parties at the same time.

Also, accountability rests at a high level in each federal department, and in each case, some separation is maintained between conflict resolution services and activities and the HR function, with most services remaining physically separate from other HR functions.

Prevention and Management of Conflict at the Earliest and Lowest Stage

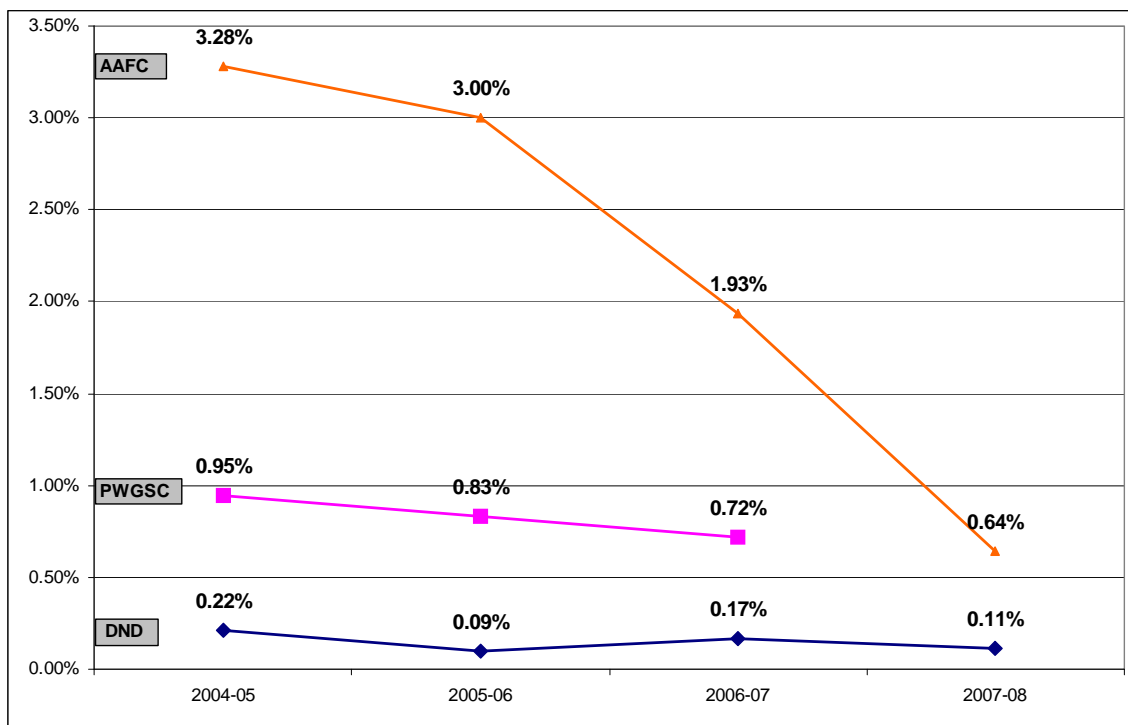
OCR activities have contributed to the resolution of conflict at the earliest and lowest stage possible.

As stated in Treasury Board's *Policy on the Prevention and Resolution of Harassment in the Workplace*, early resolution is meant to resolve any situation or conflict as soon as possible, in a fair and respectful manner without having to resort to a formal complaint process. The work of OCR is designed to help prevent and manage conflicts at the earliest and lowest possible stage by focusing on interest-based approaches, as opposed to rights-based processes such as grievances.

The evaluation sought to assess the impact of AAFC's conflict resolution efforts on AAFC grievance rates. While there is evidence of a downward trend in grievances (209 in 2004-05; 191 in 2005-06; 125 in 2006-07; and 41 in 2007-08)²⁴, the drop cannot be attributed to directly to OCR's alternate dispute resolution work, as there is no evidence that OCR activities resolved cases that would have become formal grievances.

²⁴ The numbers exclude the EG (Engineer and Scientific Support) classification grievances following the Department's EG Review, which added 426 cases between 2005 and 2006

Figure 8: Percent of Employees filing Grievances
 (Based on 2007-08 Staff Levels)



Source: HRB, Labour Relations/Respectful Workplace OP Annual Report, 2007-08 and Appendix G

OCR user survey results reveal that 43% of survey respondents, and many of those interviewed, agreed that due to the work of OCR, conflict is now managed at an earlier stage. Some interviewees noted that increased demand for OCR services over time suggests that conflicts are being managed at the earliest possible level, as some of these cases could have been filed as grievances or harassment complaints. As well, OCR training is viewed as providing employees with the tools to manage conflict and to better understand how to deal with conflict in a respectful manner, which has resulted in an increase in general awareness about conflict at AAFC.

3.2.3 End Outcomes

OCR's intended end outcome is that, "...AAFC has a working environment of dignity and respect where workplace conflict is seen as an opportunity for positive change."

While OCR services and activities have made a positive contribution to the effective resolution of conflict at AAFC, its contribution to achieving the intended end outcome described above is not clear.

Insufficient outcome data was collected to determine the degree to which this outcome has been achieved. For example, there is no data to determine if the use of OCR deterred employees from pursuing formal grievances. Software used to monitor and record OCR activities from 2002-2008 collected primarily tombstone and activity

information, recording very little regarding outcomes beyond mediation settlement figures and client satisfaction. Recently-developed software will improve the collection of information related to outcomes, but not directly for each OCR activity.

Results of the Canada Public Service Agency's Public Service Employee surveys in 2002 and 2005 indicate that AAFC staff is generally positive regarding how harassment, discrimination and complaints were managed at AAFC, with responses consistent with those of other departments reviewed for this evaluation (Table 2).

Table 5: Results for Harrassment- and Informal Complaint-Related Questions from the 2002 and 2005 Public Service Employee Surveys

Question		Year	Agree	Disagree	Don't Know ²⁵
A	My department or agency works hard to create a workplace that prevents harassment and discrimination.	2002	69%	17%	14%
		2005	69%	18%	13%
B	I am satisfied with the way in which informal complaints on workplace issues are resolved in my work unit.	2002	64%	29%	7%
		2005	58%	31%	10%
C	I am satisfied with the way in which my work unit responds to matters related to harassment and discrimination.	2002	64%	16%	20%
		2005	60%	19%	21%
D	I am satisfied with the way in which my department or agency responds to matters related to harassment and discrimination.	2002	56%	18%	26%
		2005	53%	20%	27%

Although satisfaction rates have declined in some areas, particularly for satisfaction with the way in which informal complaints on workplace issues are resolved (question B), there was a similar drop in satisfaction for the public service as a whole and for the four departments reviewed as part of this evaluation's comparative analysis. There is no data currently collected to attribute any changes in these perceptions to OCR activities.

3.3 Efficiency

The literature indicates that the provision of informal conflict management services results in time and cost savings. However, it is not possible to quantify these savings in the case of services provided by AAFC's OCR using available data.

The literature review found that using an alternate dispute resolution process can save time and money over the use of traditional means to resolve conflict. For example, U.S. government studies²⁶ cite cost savings of \$3,500 - \$10,000 on average for cases that are mediated, versus those using a formal grievance process and illustrate that ADR processes are 10 to 15 times faster than traditional processes.

²⁵ Figures may not total 100% due to rounding

²⁶ U.S. General Services Administration and Department of Treasury/Internal Revenue Service, Department of Defence and Department of Housing and Urban Development – See Appendix E

A report summarizing the results of an evaluation of the Canadian Transportation Agency Mediation Pilot Project for the years 2000-2003 showed that the average cost of the Agency's mediation was \$7,041.²⁷ This is compared to adjudication costs ranging from \$16,360 for most adjudications without a public hearing to \$45,720 for an above average adjudication without a public hearing.

Finally, the *Evaluation of the Ontario Mandatory Mediation Program - the First 23 Months* provided strong evidence that mandatory mediations resulted in significant reductions of time taken to dispose of cases and decreased costs to litigants, and resulted in a high proportion of cases (roughly 40% overall) being settled earlier in the litigation process.

In addition to the findings of the literature review, many interviewees provided examples of how OCR has realized cost savings as a result of its interventions. Examples included the prevention of conflicts that would have escalated to rights-based redresses; saving legal costs; avoidance of wrongful dismissal suits; and the prevention of stress and sick leave through the resolution of issues by OCR.

Examples of time savings included the prevention of conflicts that would have turned to a confrontational mode or grievance requiring significant time of AAFC employees, managers, bargaining agents, HR advisors, and AAFC lawyers spent on travel, investigations, preparing positions, documentation, fact finding and hearings.

Results from the OCR-led user survey were less conclusive than the results of the literature review and interviews. The survey asked whether respondents believed that having OCR staff handle their case took less time compared to alternate approaches such as grievance, harassment complaint or formal investigation. Only 39% of survey respondents said they believed the resolution of their case via the OCR took less time, 19% believed that it did not take less time; and, 42% did not know.

²⁷ Includes salary and benefits, facility, travel and accommodation costs.

4.0 CONCLUSIONS

4.1 Continued Need

There is a continued need for the activities and services of the Office of Conflict Resolution as they provide the Department with a means for ensuring compliance with legislation which requires the provision of informal conflict management services and with the Government of Canada's *Policy on the Prevention of Harassment in the Workplace*. OCR objectives are aligned with those of the Department as outlined in its recent HR Plan.

OCR is seen as a valuable service by managers and employees, who have made increasing use of its services, including those that are not mandatory, since its inception.

4.2 Performance

Enhanced internal partnerships

OCR has helped to establish and strengthen relations with key partners involved in informal conflict management services. Departmental internal partnerships among stakeholders have been developed and enhanced through OCR's efforts at awareness building. OCR has accomplished this through its documentation, its communiqués and its Director's participation on the HR Management Team meetings and the Issue Resolution Network.

Despite the progress, given the provision of some informal conflict management services by units of the HR Branch other than OCR, there is a need to clarify the respective roles of OCR and these organizations, and to clearly communicate them to employees.

Awareness of OCR services and benefits

There is significant staff awareness of OCR and its activities, and a perception that its services are beneficial. According to a 2006 OCR survey, 71% of AAFC employees were aware of the OCR services at that time. Employees learn about OCR most frequently from OCR communications materials, (45%) or from a colleague or manager (41%), according to the same survey.

Most of those who have accessed OCR services are aware of the benefits of effectively managing conflict. Three-quarters of OCR users agreed that their interactions with OCR had made them more aware of the benefits of effectively managing conflicts.

OCR's conflict resolution training is the service most widely accessed by AAFC staff as it is a core element of employee learning programs. As this training explains the many benefits of conflict prevention and management, it is not surprising that most of those

who have accessed OCR services are aware of the benefits of effectively managing conflict.

Development of conflict resolution competencies

OCR has helped strengthen staff conflict resolution competencies. Its workplace conflict resolution training, in particular, appears to be successful in this regard. The ability to understand conflict and its impacts, to handle conflict and to know how to seek assistance are all results of OCR's training. OCR's Information and Consultation Service is also seen to contribute to competency development by a significant number (52%) of OCR clients.

There is less evidence that OCR has contributed to other competencies, such as the ability to practice more thoughtful approaches to resolving conflict, feeling more comfortable dealing with conflict situations and increased ability to hold a difficult conversation.

Organizational capacity

Since more than 900 employees have been trained, the capacity of the Department as a whole to deal with conflict has improved. In addition to the training, OCR's Information and Consultation and its Conflict Coaching services have been significant contributors to the management and resolution of conflicts at AAFC.

Confidentiality is a key standard of practice in the field of informal conflict management and an important component in any informal conflict management service. AAFC has clearly recognized this importance. Employees appear to recognize the Department's adherence to confidentiality, though recognition of OCR's independence does not appear quite as strong. The move of the OCR to the HR Branch may challenge both the belief in confidentiality of practice and its independence.

Conflict Prevention and Early Management

While demand for OCR's mediation service line peaked in 2005-06 and has declined slightly since, this may actually reflect the beneficial impact of other OCR services, such as training on enhancing conflict resolution capacities and early resolution of conflicts, thus obviating the need for mediations.

Where OCR has provided mediation services, they have had a positive impact, as reflected in the 83% settlement rate and over 150 mediations concluded. It is likely that some of these would have become formal grievances. This clearly demonstrates achievement of OCR's intermediate outcome of preventing and managing conflict at the earliest and lowest possible stage.

4.3 Efficiency

The literature review as well as anecdotal evidence and examples provided by interviewees suggest that OCR has saved time and money for AAFC over the last six years. Examples from the U.S. government suggest dramatic cost savings of up to \$10,000 per mediated case and suggest that ADR processes are up to 15 times faster than formal grievance processes. However, it was not possible to quantify the savings for OCR due to insufficient data.

5.0 RECOMMENDATIONS

The following recommendations stem from the evaluation and are intended to further strengthen the work of the Office of Conflict Resolution and support achievement of its objectives.

1. The ADM, Human Resources, should clearly define the roles and responsibilities of conflict resolution services at AAFC.

Management Response: Agreed

The Human Resources Branch, in particular, the Office of Conflict Resolution and the Performance Excellence group have already initiated discussions regarding conflict and other resolution services offered at AAFC in order to clarify roles and enhance integration. *Target date: Ongoing*

2. The ADM, Human Resources, should communicate to departmental employees the conflict resolution services that are available to them, the confidential nature of these services, and how the services can be accessed.

Management Response: Agreed

Following the internal review of roles and responsibilities, the Office of Conflict Resolution, in consultation with the Communications Branch, will develop and implement a Communications Strategy to explain roles, clarify expectations regarding confidentiality and ensure AAFC employees are aware of the conflict resolution services and how they can access them at AAFC.
Target date: September 30, 2009