

HUMAN RIGHTS COMMISSION--Human Rights Complaint Resolved for
Call Centre Employee

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A human rights board of inquiry has been adjourned and a complaint made by a Convergys call centre employee has been resolved.

The two parties worked together to reach an agreement that includes a financial settlement and training for staff.

"We are pleased the parties have been able to reach a collaborative resolution to the complaint," said Nova Scotia Rights Commission CEO Tracey Williams.

In 2009, Clarence (Tom) Tynes, who is a black Nova Scotian, filed a complaint alleging that he was treated unfairly when he was demoted twice in quick succession. He worked 10 years with Convergys, who contended the demotions were not because of his race.

The Human Rights Commission worked with Mr. Tynes and Convergys and held meetings chaired by a restorative facilitator.

"They openly discussed their perceptions of what happened, and focused on understanding the circumstances that led to the complaint," said Ms. Williams.

Convergys and Mr. Tynes agreed to a financial settlement and training for management and supervisors in the two Nova Scotia centres, New Glasgow and Dartmouth. They also developed a plan to address the issues.

"This approach was non-adversarial and that was very helpful," said Mr. Tynes. "It was a collaborative process that created more opportunities for healing and progress."

Legal counsel for the commission apologized to both parties for the length of time it took to resolve the complaint. The new processes the commission introduced in January 2012 focus on restorative, collaborative approaches and faster resolutions.

"What was taking years, is now taking months. Processing complaints more quickly is better for everyone involved," said Ms. Williams. "One of the most important steps in the process is bringing everyone together to understand what happened and how to move forward."

Board chair Lynn Connors, who was appointed to hear the inquiry, approved the resolution.

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FOR BROADCAST USE:

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In the matter of: *The Nova Scotia Human Rights Act*, R.S.N.S. 1989, c. 214, as amended 1991, C. 12.

BETWEEN:

Clarence Thomas (Tom) Tynes, of Halifax Regional Municipality, Province of Nova Scotia.

COMPLAINANT

- and -

Convergys CMG Canada Ltd. Partnership

RESPONDENTS

- and -

Nova Scotia Human Rights Commission

COMMISSION

Section 34(5) Report

A one person Board of Inquiry was appointed pursuant Section 32A(1) of Nova Scotia Human Rights Act, R.S.N.S. 1989, c.214, as amended by 1991, C.12 ("Human Rights Act") in relation to a complaint filed by Clarence Thomas (Tom) Tynes against the Respondent, Convergys CMG Canada Ltd. Partnership.

The matter was referred to a one person Board of Inquiry by the Commission on October 12, 2012. Prior to the matter being set down for a formal hearing, the Complainant, Clarence Thomas (Tom) Tynes, and the Respondent, Convergys CMG Ltd. Partnership, reached a Settlement Agreement, comprised of a Restorative Agreement, Education Plan, and an Action Plan.

In furtherance of the Settlement Agreement and pursuant Section 32(1) of the *Human Rights Act*, the Settlement Agreement was subsequently reviewed and approved by the Nova Scotia Human Rights Commission.

In this circumstance, section 34(5) of the *Human Rights Act*, requires the Board to review the Settlement Agreement and issue a report. On June 27, 2013, the Board was provided a copy of the May 29, 2013, Settlement Agreement and reviewed it as required by the *Human Rights Act*.

The Settlement Agreement entered into by the Complainant, Clarence Thomas (Tom) Tynes, and the Respondent, Convergys CMG Canada Ltd. Partnership and subsequently approved by the Human Rights Commission is an appropriate one.

Board Chair

A handwritten signature in black ink, appearing to read "Lynn M. Connors". The signature is written in a cursive style with a horizontal line extending to the right.

LYNN M. CONNORS

July 9, 2013

2013

File No.: 51000-30-H09-0238

BETWEEN:

Clarence Thomas (Tom) Tynes

Complainant

and

Convergys CMG Canada Limited Partnership

Respondent

and

The Nova Scotia Human Rights Commission

HRC Restorative Process Action Plan

6/6/13

Review of employee file/documentation

Convergys agrees to review our practices in regards to employee access to personnel related documentation to ensure compliance with all provincial and federal laws as well as company policies. This applies to all Canadian locations including Halifax and New Glasgow sites in Nova Scotia.

Progressive Counseling

Convergys agrees to review our practices in regards to the communication, understanding and administration of the company progressive counseling policy to ensure compliance with all provincial and federal laws as well as company policies. This applies to all Canadian locations including Halifax and New Glasgow sites in Nova Scotia.

Black History Month

Black History Month will be given equivalent recognition/acknowledgement to all other ethnic and cultural related company-sponsored workplace events in Nova Scotia.

Training

Convergys agrees to training of Site Directors, Operations Managers and Senior Operations Managers and Human Resource Managers from the Halifax and New Glasgow site in Nova Scotia, on the subject of

diversity and race-based cultural awareness. This training will be facilitated by the Manager of Race Relations Equity and Inclusion at the Human Rights Commission.

Violation of Company Policy

Convergys agrees to reinforce the importance of compliance with existing workplace policies and practices regarding human rights and to ensure that employees are aware that, if they are found to be in violation of such policies, or not enforcing them, it will be addressed in accordance with the company progressive counseling policy.

Policy Compliance

Convergys agrees to review practices and procedures in the Nova Scotia sites of Halifax and New Glasgow to ensure no local policies have been established which prevent or impede the appropriate administration of human rights policies

2013

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BETWEEN:

Clarence Thomas (Tom) Tynes

Complainant

and

Convergys CMG Canada Limited Partnership

Respondent

and

The Nova Scotia Human Rights Commission

Schedule C

Human Rights Education – Training Plan for Convergys

Objectives: NSHRC will work with Convergys Human Resource staff on human rights education (HRE) to HR Mgr, MOs, SMOs, on race-based cultural awareness in Convergys New Glasgow and Dartmouth centres with the expectation that participants are arriving open to learning.

Goals: Participants learn to situate themselves and recognize their power, privilege and potential for oppression. Participants gain a personal understanding of systemic discrimination and the personal effect it has on the individual and workplace culture.

Human Rights Education Principles - The Foundation of Delivering the Workshop

- Human Rights Education helps people talk about the importance and the personal nature of human rights, incorporate human rights values and integrate them into a personal understanding of the nature of discrimination.
- Focuses on issues encompassing all forms of discrimination.
- Helps us recognize our own biases, accept differences, take responsibility for defending the rights of others.
- Has to be interactive, learner- centered.
- The process of HRE is intended to be one that provides skills, knowledge and motivates individuals to transform their own attitudes.

Workshop Process Will Explore These Questions:

What is discrimination? When have you experienced discrimination?

What is inclusion and why does it matter to companies today?

What workforce trends do companies have to pay attention to?

Expectations:

1. An awareness of bias and how it can affect decisions in the workplace.
2. Institutional structures and practices that have presented barriers to some dimensions of diversity will be examined, challenged, and removed.
3. Human Rights Education assessment and follow-up evaluation to ensure that the learning is working.

Implementation of Human Rights Education Plan

Steps to the Plan Delivery:

1. Organizing Committee – Linda Nicholl, Education Officer for NSHRC
 - Marsha Mitchell, Human Resource Manager for Convergys International
 - Marsha Mitchell's team (NS HR Mgr)
2. Needs Assessment Conducted for all Convergys Managers.
3. HRE Workshop Development with the Organizing Committee.
4. Workshop Delivery to: Managers, on race-based cultural awareness and human rights in the workplace.
5. Working with Managers to deliver Human Rights Education Workshop for Convergys.
6. Discuss Convergys plan or intention for refresher and future training needs.
7. Evaluation of the HRE program annually by Convergys HR Mgr.

Human Rights Education efforts will be guided by Ann Divine, Manager of Race Relations Equity and Inclusion, and training process will be implemented by the Organizing Committee.

January 31, 2014 - Completion Date for the implementation of the Human Rights Education Plan.

HRE Workshops for Managers: Anticipated length of time is 2 days.

Costs:

Convergys' cost includes:

Copying, the workshop venues, food for all HRE workshops (Lunch and mid-morning and mid-afternoon snacks), NSHRC Education staff's travel costs (Car rental, accommodation, mileage, gas, and other incidentals).

There is no charge for development or delivery of the workshop by the NSHRC.