



Staff Grievances and Dispute Resolution

1. Overview

Effective Date:

Revision Date:

The resolution of grievances, subject to the following procedure, is line management's responsibility. Human Resources may be approached at any stage concerning advice on the use of this procedure.

Although grievances are to be addressed through the following procedure, any employee is free to report a grievance to management through any one of the following channels:

- Employees line manager / supervisor
- The Human Resources Department directly
- Employee representatives / shop stewards.

The above persons are required to then refer the reported grievance to Human Resources for action through the procedure.

Management undertakes to ensure that:

- No employee, shop steward or employee representative will be prejudiced or victimized in any way whatsoever as a result of submitting or dealing with a grievance.
- No employee, shop steward or employee representative will lose any wages or benefits as a result of time spent to resolve a grievance. Employees must obtain their supervisors permission to spend work time in dealing with a grievance.

Dissatisfaction arising out of disciplinary action taken must be dealt with through the disciplinary appeal procedure NOT through the grievance procedure.

The review of substantive conditions of employment must be dealt with through the appropriate committee structure and not through this procedure.

The time limits stated in the procedure must be kept to unless there are special circumstances which may cause a delay. In such an event the supervisor must schedule a specific time for the grievance to be heard.

In following the grievance procedure to its end the ultimate decision of the Director will be final beyond which there is no further right of appeal.



2. Policies

2.1.Purpose

It is understood that feelings of dissatisfaction can and do arise out of the work situation. A grievance is a feeling of dissatisfaction or a problem that is unresolved. The purpose of the grievance policy and procedure is to provide a guideline and ensure that grievances are resolved as soon as practically possible and as close as possible to the level at which the grievance originated.

2.2.Scope of Applicability

The policy applies to all staff and managers

2.3.Definitions/Classifications

Grievance: Specific complaint or formal notice of employee dissatisfaction related to adequacy of pay, job requirements, work conditions, other aspects of employment, or an alleged violation of a collective bargaining agreement.

Grievance Procedure: Step by step process an employee must follow to get his or her complaint addressed satisfactorily. In this process, the formal (written) complaint moves from one level of authority (of the firm and the union) to the next higher level.

2.4.Responsibilities

It is the responsibility of Managers and Supervisors to ensure that:

- They identify, prevent and address potential problems before they become formal grievances;
- They are aware of and committed to the principles of communicating and information sharing with their employees and volunteers;
- All decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organisation in general;
- Any grievance is handled in the most appropriate manner at the earliest opportunity;
- All employees and volunteers are treated fairly and without fear of intimidation.

It is the responsibility of Employees (including Volunteers) to ensure that:

- They attempt to resolve any issues through their immediate supervisor and through internal processes at the earliest opportunity.

It is the responsibility of the Human Resources Department to ensure that:

- All managers, supervisors, employees and volunteers are aware of their obligations and responsibilities in relation to communication and information sharing with their employees;



- Ongoing support and guidance is provided to all employees in relation to employment and communication issues;
- All managers, supervisors, employees and volunteers are aware of their obligations and responsibilities in relation to handling grievances;
- Any grievance that comes to the attention of managers or supervisors is handled in the most appropriate manner at the earliest opportunity.

3. Procedures

3.1. Employment Practices

All managers and supervisors must be cognizant of the potential consequences their actions may have when addressing issues involving employees or volunteers. It is imperative that they treat all employees and volunteers with fairness, equality, and respect.

Should there be any uncertainties or questions regarding how to handle a specific situation, managers or supervisors are encouraged to reach out to the Human Resources Department for guidance as soon as possible.

Upon receiving a grievance or dispute, managers should determine if the employee in question is protected by an Award or Agreement. If so, they should consult that document for guidance on grievance procedures. If the employee or volunteer is not covered by such a document, the following guidelines should be adhered to.

3.2. Grievance and Dispute Resolution

An employee or volunteer who believes they have a dispute or grievance that remains unresolved after direct communication with the other involved party should first bring the issue to their immediate supervisor. Both parties should engage in open dialogue and collaborate to find a satisfactory resolution.

The manager or supervisor is tasked with the following steps:

- Ensure the employee feels heard and supported, even if you don't necessarily agree with their perspective, but it's crucial they understand their concerns will be addressed.
- If there are multiple individuals involved, clarify each person's role.
- Detail the process that will be followed.
- Assure both parties that any information shared during the review will remain confidential.



- Listen attentively to the complainant and gather a detailed account of the events (who, what, why, when, how, etc.).
- Review the relevant policies and procedures (for example, the organization's anti-discrimination policy) with the complainant.
- Discuss with the complainant their desired outcome (ideal scenario) and then outline the next steps: for instance, you will discreetly consult with the HR manager or CEO to explore solutions and report back within a specified timeframe.
- Provide the complainant with a clear understanding of the organization's confidentiality and non-victimization policies. Explain that they will not face negative consequences for making a complaint and detail who they should report any adverse effects to internally.
- Offer the complainant ample time to ask questions.
- Provide support to the complainant, such as access to counseling through an Employee Assistance Program or arranging a safe way home if they appear distressed.

The Importance of Impartiality

Ensuring that the individual tasked with conducting an investigation remains unbiased is crucial. This person must not have any personal stake in the resolution of the issue at hand. It's common for employees to doubt the impartiality of a Human Resources Manager due to their position and involvement in the organization. If such doubts arise, it's essential to evaluate:

- the need for an external investigator to guarantee neutrality;
- if any potential conflicts of interest exist (for example, if there are personal relationships outside of work); and
- the investigator's history with handling disciplinary issues.

If there's a risk that the individual's job could be at stake if the allegations are substantiated during the investigation, then it's wise to consider employing an external investigator. This choice will help ensure that the investigation and the procedures followed are credible in any legal proceedings.

3.3. Investigation of Dispute or Grievance

Step 1: Informal Procedure

- Employee
 - Approaches his supervisor and explains the grievance within 2 working days of the grievance occurring (a.s.a.p.)
 - Approaches the supervisor with a co-worker/shop steward/employee representative to assist him. (Optional).
- Manager
 - Listens to the grievance in private.



- Discusses how the employee wants to resolve the grievance and different ways of resolving the grievance.
 - Tries to resolve the grievance.
 - Advises the employee within 2 working days of hearing the grievance whether or not he can resolve it.
- Where the employee has a grievance with his supervisor / manager as a result of an act by that supervisor / manager he can approach the next level of supervision / management as the 1st step.
- Where possible, the informal procedure (step 1) must be followed prior to the formal procedure (step 2) unless there are exceptional circumstances.

Step 2: formal Procedure

To be followed where the supervisor cannot resolve the grievance or the employee is not satisfied with the outcome proposed by the supervisor.

Employee

- Completes the grievance form. (Available from Human Resources Department)
- He may ask a co-worker /shop steward/ representative to assist him.
- Hands the grievance form to the next level of supervision/ management.

Manager/Investigator

- Arranges a grievance hearing within 2 working days of receiving the form.
- Advises the employee the hearing time and that he may have a co-worker/shop steward/ employee representative to assist him at the hearing.
- Ensures Procedural Fairness
 - the respondent is aware of all the allegations made against them in sufficient detail;
 - the respondent is allowed a reasonable opportunity, including adequate time, to respond to each of the allegations;
 - the investigation is carried out in a reasonable time frame;
 - all participants are given the opportunity to have a support person in the interviews pertaining to the investigation;
 - all participants are required to maintain confidentiality and sign a confidentiality agreement;
 - the investigator has no personal interest or bias in the matter being investigated;
 - all participants are given the opportunity to respond to any contradictory evidence;
 - the investigator makes reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.
- Arranges the following persons to be present at the hearing:
 - Manager/supervisor
 - aggrieved employee



- representative
- witnesses
- Human Resources official (depending on availability).
- Listens to the grievance.
- Investigates how the grievance arose.
- Asks the employee the solution he desires.
- Discusses various solutions to the grievance.
- Caucuses
- Decides on a suitable action plan as appropriate in consultation with the personnel official (as applicable).
- Completes the hearing documentation.
- Advises the employee the action plan and outcome of the grievance hearing.
- Agrees a follow up date with the employee to establish whether the grievance has been resolved.