

POLICY STATEMENT

This grievance policy is intended to provide a fair, prompt and reliable resolution of grievances raised by all employees.

GLOSSARY OF TERMS**CROSS REFERENCES and other RESOURCE MATERIAL**

Prepared by:	Department:	Authorised:	Review Cycle:	Issue Number:
D. Reid	Administration	Directors	Bi-Annual	01-07-2004
05-2004				Issue 1

Internal Grievances

This grievance policy is intended to provide a fair, prompt and reliable resolution of grievances raised by all employees.

This process is not meant to copy or mimic a judicial court proceeding; rather, it is an administrative process designed to ensure an equitable, prompt and known resolution procedure.

This process attempts to protect both the grievant and the respondent. However, truth and fairness are paramount in this process and must take precedence over procedural mechanisms.

In every grievance, there are at least three parties; the grievant, the respondent, and the company. The company encourages resolution of allegations through informal means wherever possible. This may include a grievant speaking directly to a respondent.

This procedure is not intended to impair or limit the right of anyone to seek a remedy available under local or national law. In any case, if a grievant seeks relief outside of the company (i.e., particularly through the courts), the company will not be obligated to continue processing a grievance unless the grievant continues to also cooperate with the internal procedures.

Retaliation

No individual will be penalised by the company or by any person associated with the company for participating in grievance procedures. Any act of retaliation by any party directed against a grievant, a respondent, witnesses, or participants in the process will be treated as a separate and as a performance management matter likely to result in suspension or termination of employment.

Time Lines

Time limits outlined in this policy are designed for the expeditious resolution of grievances. Failure to strictly adhere to time limitations shall not be grounds for objection or appeal of findings by any parties involved in this process unless the parties can demonstrate prejudice to their abilities to present their case.

Timelines cited in this document are intended to serve as outside limits for actions to occur. Timelines may be waived by the mutual agreement consent of all parties to this matter. However, in the interest of all the parties concerned, all matters should be handled as expeditiously as possible and at an outside limit grievances should be resolved within 12 weeks of being notified.

Grievants are encouraged to notify a grievance as soon as possible after an alleged incident; however, the company is aware that this is not always possible. In general terms a grievance should be lodged within six weeks following an incident.

Grievants must also be aware that they have the right to file with an outside agency.

If a respondent fails to answer a grievance or to participate in a grievance investigation senior management will be notified. A respondent will not prevent this process from proceeding by their silence or absence.

Failure to respond may result in the investigation proceeding solely on the basis of the grievant's allegations. A grievant may withdraw a charge after it has been filed at any time.

A grievant's failure to cooperate with the grievance resolution process in a timely manner may negate the company's obligation to continue with these procedures.

Reporting a Grievance

Generally speaking a person cannot file a grievance on behalf of another employee. However, all employees are expected to bring to management attention issues of discrimination and harassment in the workplace.

Resolutions of grievances may be achieved by using an informal or formal procedure. The intent is to stop the offending behaviour, resolve the grievance, protect individuals' rights and reputations, and resolve the grievance in a manner that is timely and equitable to all parties.

Once a formal or informal grievance is made, the relevant manager should establish the factors necessary to substantiate an allegation. It may be determined that a grievance alleges facts that can not be substantiated. The determination of whether the facts substantiate the grievance should take no more than four weeks.

Informal Process

In some circumstances informal resolution of a grievance may be more satisfactory than directly proceeding to formal methods. Informal resolution generally occurs through:

- a) The grievant speaking directly to a respondent and asking them to stop the offending behaviour; or
- b) Intervention by a manager. In a direct intervention, the manager takes action to eliminate the causative factors precipitating the original grievance. Where a manager is informed of a grievance and asked to intervene in an informal manner a record of dates, the grievance, the actions and the outcome must be documented and filed with company records.

Formal Procedure

A grievant may file a formal grievance immediately after an incident or may do so after efforts to reach an informal settlement regarding the allegations prove unsuccessful.

After an investigation to ascertain the facts, and giving the respondent time to respond to the allegations further action may be taken. The investigation may include interviews with the grievant, the respondent and any witnesses.

An investigation should take no more than four weeks and a respondent should be given two weeks in which to respond to the grievance at the conclusion of the grievance.

Generally the formal procedure allows for mediation between the parties arranged by the Directors.

If the grievant and respondent agree to pursue mediation, the Directors will arrange for an external mediator. The mediator will consult and advise both the grievant and the respondent about the mediation process and carry out an appropriate mediation process.

Follow up

It is essential at the conclusion of grievance proceedings that follow up is conducted. At the end of one month and then after another two months, the grievant and respondent should both be given the opportunity to provide feedback to the Directors.

This will ensure any changes agreed to as a part of the informal process or the formal process have been carried out, and have been continually implemented.

Performance Management

The aim of Grievance Resolution is not to interfere with the performance management process. However, should a grievance result in the indication of performance management issues, then the performance management process will be carried out at the conclusion of the grievance process.

Where allegations of criminal misconduct are made they will be referred to senior management for action through the appropriate Police Service.

Considerations when receiving notification about a grievance

- Is it appropriate that a grievance may have been filed on behalf of an injured third party?
- Should investigations be conducted by an external person to the workplace?
- Which individuals should be designated and trained to conduct investigations?
- What standard of proof is applicable
- Does the grievance indicate performance management issues?
- When should the Directors become involved?
- What investigative process is appropriate?