


Category:	Human Resource Administration	<p style="text-align: center;">INCA Community Services Personnel Policy</p> 
Sub Category:	Employee Relations	
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Responsible:		

Employee Grievance Policy and Procedure

Policy

Agency policies and procedures shall be uniformly interpreted, applied and enforced. All employees will be treated fairly and in accordance with established policies and procedures. When an employee feels that he/she has been subjected to unfair treatment in violation of Agency policies, that employee shall have the right to participate in a grievance procedure. This policy should be invoked only when informal attempts to address the issue have failed. This policy applies to all employees of INCA Community Services. This policy applies during the whole of the employee's service, including the probationary period, and any temporary contract.

Introduction

It is good practice to settle any grievance an employee may have as quickly as possible. Most problems will be addressed by the supervisor or member of management as part of the normal working relationship. However, in order to promote and maintain good working relationships, it is essential to have clear and simple rules laid down for dealing with those cases which cannot be dealt with via normal working practices

Exclusions

These procedures do not apply to the following issues:

- **Discrimination complaints** involving race, color, creed, sex, national origin, age, political affiliation beliefs, or handicap. Procedures to file discrimination complaints are contained in the Title VI, EEO, and Affirmative Action Plan ([See Title VI, EEO, and Affirmative Action Plan](#)).
- Complaints concerning:
 - Wages and salaries
 - Performance-related dismissals during the initial probation period of employment
 - Agency policy and rules
 - Falsification of application (or resume) for employment and other employment related documents.
- Issues in which the agency becomes aware of serious wrongdoing at work by others (e.g. frauds, dangers, and cover-ups) should be dealt with under the Whistleblowing Policy.
- The Grievance Policy should not be used for appeals against decisions taken by other procedures that have their own appeals process, e.g. disciplinary decisions and

redundancies. If necessary, the original process may be suspended for a short period until the grievance can be considered.

- However, if there are several different linked grievances a single process may be used to address all the issues. If there is a harassment issue within a number of grievances considerations will be given to any additional support required.

The Possible Outcomes of a Grievance

The outcome may be to take no action, or to amend some aspect of the employee's working conditions, or to provide training. In rare instances, it may also be to instigate disciplinary proceedings against another employee or member of staff. If disciplinary proceedings are instigated, the full disciplinary procedure should be followed including a separate investigation – the grievance panel is not at liberty to impose penalties.

Employee Rights and Responsibilities

- All employees have the responsibility to address a concern when a problem becomes apparent in order to bring resolution in the timeliest manner.
- This grievance procedure provides the opportunity for an employee to communicate and seek advice as needed
- An employee has the right to cancel a grievance at any time and in any stage of the process without recrimination

Procedures

Informal Action

If an employee has a problem, issue, complaint or concern, they should try to resolve it first through informal discussion. The supervisor or management team member must give careful consideration to the employee's concern and make efforts to explain, address or resolve the matter quickly.

If possible, staff should aim to settle grievances informally and the Program Director should be receptive to such approaches. Only if the informal route is inappropriate or has been conducted could a grievance become formal.

The Supervisor or management team member becomes aware that informal discussions have the potential to develop into a formal grievance, they should ensure they keep brief notes of any such discussions.

Time Limits

- Its aim is to enable grievances to be considered fully and dealt with fairly, consistently and speedily.
- In computing the number of days in the grievance procedure, Saturday, Sundays and Holidays shall be excluded.
- Issues will be dealt with promptly and within reasonable timescales (these may vary depending on the complexity of the case).
- Where time limits are referred to in the course of the Grievance Procedure they may be varied by agreement between the employee, and designated management staff and approved by the Executive Director.

Procedure

If an employee has a problem or complaint that has cannot be solved through informal actions the following steps should be taken:

Step 1 - Direct Informal Conference

- Talk directly to the person with whom you have a complaint or who is responsible for the issues about which you have a complaint. State the problem and your desired and possible solution. If you are uncomfortable raising the issue with the person with whom you have a complaint or who is responsible for the issues, please discuss the issue with your supervisor or if not comfortable discussing with your supervisor, a different supervisor or proceed to Step 2 - Written Grievance.
- Resolution - If satisfied with the results of the conference, the matter is settled.
- Failure to Reach Resolution - If the informal conference fails to resolve the problem go to Step 2.

Step 2 - Written Grievance

- An individual with a grievance must present it in writing to the direct supervisor over the area in which the grievance occurs.
- The written statement of the grievance must set out:
 - the events complained about and
 - the requested remedy,
 - must specify the policy and/or procedure which are alleged to have been violated, and
 - must be signed by the individual.
- The grievance must be filed within five days after the event on which the grievance is based. In computing the number of days in the grievance procedure, Saturday, Sundays and Holidays shall be excluded.
- The supervisor has 10 working days to investigate the grievance and provide a written response. The supervisor should:
 - Acknowledge the complaint,
 - Attempt to resolve the grievance, and
 - Gather any additional information needed to make a decision.
- Resolution - The supervisor will document the agreed upon resolution for your review. Upon agreement between parties, both will sign the documentation. The Grievance File containing a copy of the written grievance and all other pertinent documentation will be maintained in the Human Resource Department.
- Failure to Reach Resolution - If the issues have not been satisfactorily resolve, go to Step 3 - Program Director Review

Step 3- Program Director Review

- If the direct supervisor does not settle the grievance to the satisfaction of the individual within three days after it is presented to him, the individual may appeal the grievance in writing to his/her Program Director.
- Step 3 must be taken within ten days after the events on which the grievance is based.
- The Program/Project Director shall have five days after the grievance is received to give an answer either in favor of the person filing the grievance or denying the information after the investigation process has taken place.
- Resolution - If a resolution is met, the program director will sign the agreement. If rejected, all or part of the resolution by the employee, must indicate this rejection before signing.
- If the Program/Project Director does not settle the grievance to the satisfaction of the individual within the stated five day period, the employee may appeal the decision by written

notice to the Executive Director.

Step 4 - Appeal

Employee Appeal Review Rights

An employee desiring to appeal an action has the following rights:

- To review all pertinent documents to assist him/her with the appeal action and the right to review by the employee's representative.
- To present an appeal with or without representation. The employee has the right to be accompanied, represented, and advised by a representative of the employee's choice after the first step has been completed.
- To present witnesses in his/her choice.

Grievance Review Committee

The Grievance Review Committee will be convened by the Executive Director. This review review committee shall be composed of the following members:

- Human Resource Director or designated administrative member serves as permanent chairman.
- Two supervisory employees appointed by the Executive Director to serve as members on the review committee.
- When the grievance is filed by a Head Start employee, one of the two members selected will be a representative of the Policy Council.
- Grievance Review Committee members shall not serve in a review capacity in grievances concerning employees under their supervision.
- In the event that a grievance is filed by an employee under a review committee member's supervision the Executive Director shall appoint a replacement for that review.

Grievance Review Committee Process

- The Grievance Review Panel shall meet within ten days of receipt of the notice of appeal by the aggrieved employee.
- The review committee may uphold the original action, recommend modification of the decision of the program/project director, or recommend that no action be taken.
- The Panel shall review grievances, receive testimony and evidence of the parties, and provide a report of its findings and recommendations to the Executive Director.

Final Decision

The recommendations of the Review Committee are subject to the final decision of the Executive Director.

Grievance against a Program/Project Director or Executive Director

Program/Project Director: Where a grievance is raised against a Program Director, and cannot be worked out through Step 1 informal conference Step 2, Step 3 will be skipped, and utilize the grievance procedure beginning with Step 4 (Appeal).

Executive Director: In the event there is a grievance brought against the Executive Director, the grievance should be taken to the Corporate Secretary who will send the complaint directly to the Chairperson of the Board of Directors. The Board of Directors will hold a Special Executive Session to review the grievance, hold a hearing process for all individuals involved, and make a decision. A decision in writing will be issued to the complainant within 30 days.

Definitions

Grievance - is defined as a dispute relating to the application or interpretation of Agency policies and/or procedures. It is a concern, problem or complaint that an employee may have relating to work, working conditions, unfair treatment or even relationships with colleagues.

Dissemination of Policy

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.