

**COME LEARN WITH US!
SEPTEMBER 2022**

GRIEVANCE HANDLING PROCEDURES LET'S WORK IT OUT!



Workplace grievances are unavoidable. They exist even within the most innovative, rewarding and work-friendly environments. A grievance is a formal complaint by an employee or a group of their dissatisfaction with their job and/or its nature. It can include complaints about the alleged violation of the provisions of any agreement with a trade union or any other body authorized to represent an officer regarding employment matters (e.g. salaries, working conditions).

Employee grievances can arise from any action or decision of a person appointed by the Commission, a person who has supervisory powers in respect of the employment of the aggrieved person, or a fellow employee. This information is outlined in the Public Service Act (PSA), Cap. 29 at Part 1, paragraph 12 (1), [Page 12].

They may also stem from the violation of the dignity of the human person, or violation of the principles of natural justice (e.g. the right to a fair hearing, the right to adequate notice, and no bias) in decisions that may negatively affect the aggrieved officer. A grievance is defined at Part 1, paragraph 12 (3), [P. 12] in the PSA, Cap. 29.



The list of grievances may include various issues affecting work performance at all levels. At times they may seem overwhelming and time-consuming, but unattended grievances are like loose cannon balls in a ship - unless managed well, they can wreck the ship!



Transparency and confidentiality should be foremost since the complaint, its acknowledgement and any further responses must be communicated in writing, filed, and managed along the hierarchy of the ministry/department.

From this, it is crucial that all levels of employees know how to adequately handle grievances and to minimize the risk of crippling disruptions on the job.

The grievance handling procedures are outlined in the Fourth Schedule, of the Public Service Act, Cap. 29, [Page 51], providing guidance on the time-frame for responding to grievances, and the reporting channel to be undertaken during the process.

Generating a clear and concise complaint is vital to this process, so the aggrieved officers will need to provide sufficient details about the nature of the complaint. Include key facts such as dates, times and locations of incidents, as well as the names of those involved, any witnesses and any relevant documentation. These details are important when conducting investigations around the complaint.

Whether you are the aggrieved, HR Officer or the investigating officer, stick to the FACTS and produce all relevant evidence to support the case.



When managing grievances, management should address them sensitively, promptly, following correct procedures, and within the stipulated time-frame. Delays can seriously

impact workplace productivity! They should keep the aggrieved officers well-informed about the progress of investigations, responding in a timely manner. At any stage in the process, they may recommend an alternative strategy to resolve the issue.

LET'S WORK IT OUT!

- Submit the grievance to the immediate supervisor, outlining all facts and details.
- Discuss the matter. The supervisor and the aggrieved officer should meet about the matter to gather more details or recommend ADR strategies.
- File the grievance appropriately and relay to the next level supervisor/s.
- Provide all relevant details to assist with investigations and decision-making by senior, authorized personnel.
- Acknowledge and respond to grievance within the time frame as outlined in the Fourth Schedule, PSA, Cap. 29.
- Seek alternative dispute resolution (ADR) strategies, where appropriate.
- Aim to resolve the grievance with a mindset of "Let's work it out!"

HANDLING GRIEVANCES

Working through the process may take some time, but the recommended timeframes are outlined in the Fourth Schedule. Should the aggrieved, the investigating officer, or Head of Department require more time before issuing a response, then this must be communicated in writing. Also be mindful that although the process is confidential, anyone may seek assistance from a trusted representative.



PHASE 1: COMMUNICATE THE GRIEVANCE

A grievance must be reported in writing and be resolved within three (3) working days from the date it is received. Once received, the supervisor should acknowledge the grievance and may meet to discuss it with the aggrieved.

PHASE 2: APPEAL TO THE PS

If there is no satisfactory resolution, an appeal may be written to the Permanent Secretary (PS) in the aggrieved officer's Ministry/Department. At this stage, the matter is further investigated by a senior officer, and determined within seven (7) days from the date it reaches the PS.

PHASE 3: SEEK FURTHER GUIDANCE

If the aggrieved officer is dissatisfied with the decision of the PS, he/she may appeal to the Director-General, Human Resources, Ministry of the Public Service. On thorough examination of the case, a decision shall be determined on the matter within ten (10) working days of receipt of the matter.

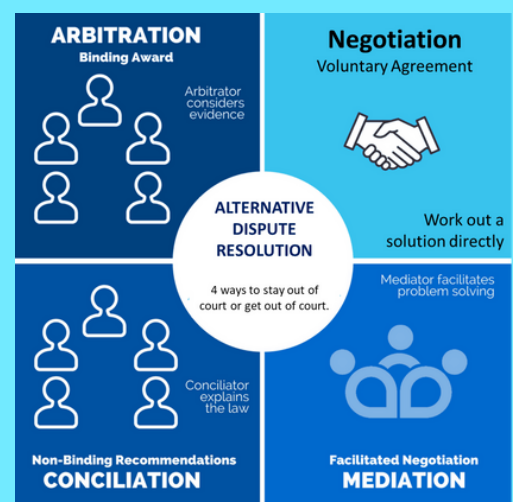
PHASE 4: APPEAL – AN EMPLOYEE'S RIGHT!

If the aggrieved officer is still dissatisfied, think the procedure was flawed, or does not accept the decision, you may appeal to the Head of the Public Service, within ten (10) working days from the date of the decision.

PHASE 5: A DISPUTE EXISTS

If the decision from the HPS is not accepted by the aggrieved officer and their representative(s), the Union may declare that a dispute exists.

AN ALTERNATIVE APPROACH



Alternative Dispute Resolution (ADR) is an option for resolving grievances. See PSA, Cap. 29 – Part 1, paragraph 12 (2) and (3). This includes conciliation, mediation, or any other method of dispute resolution. Some of these strategies are explained at <https://tinyurl.com/5bb3tyer>.

Sometimes a chat, active listening, and careful consideration are all that may be required to resolve an issue. For example, if an officer feels that he deserves to be considered for acting, he may discuss the matter, allowing the supervisor to investigate and provide an explanation or the relevant guidance. The supervisor may also take the opportunity to discuss what steps may be taken, to be considered for acting in the future.

Regardless of the complaint, formal or informal, start with a mindset of let's work it out!