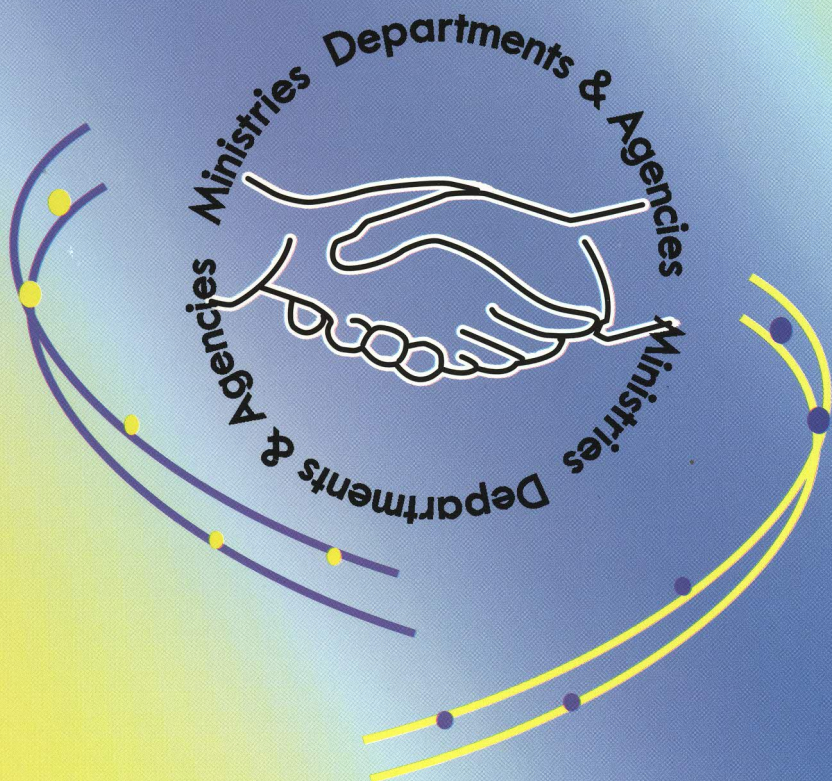


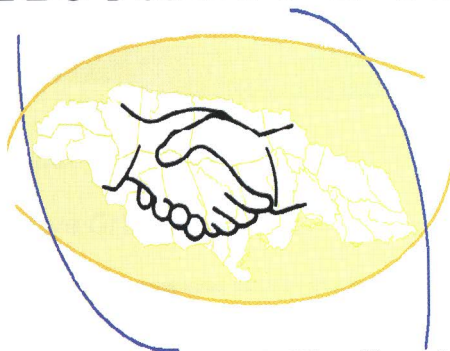


The Ministry of Finance and Planning

Grievance Policy for the Public Sector



Grievance Policy



for the Public Sector

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Cover and booklet design by Julia A. Campbell

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ACKNOWLEDGEMENTS

After many days of consultation and hard work there is a Grievance Policy for the Public Sector which would not have been possible without the collaboration of the Ministries, Departments and Agencies, the Jamaica Civil Service Association and the Jamaica Confederation of Trade Unions.

Commendations to the staff of the Industrial Relations Unit of the Ministry of Finance and Planning especially Director, Lorna Phillips who guided the process, Charmaine Hayman and Julia A. Campbell; and those who reviewed the document at each progressive stage. Thanks to our Financial Secretary, Dr. Wesley Hughes, CD and his team for providing final review and approval.

It is hoped that the application of this policy will greatly improve the resolution of grievances in the Public Sector and enhance harmonious relationships.

INTRODUCTION

The Government of Jamaica in its quest to maintain a peaceful and harmonious industrial relations environment in the Public Sector recognises the importance of a formal grievance policy to enable all employees to air and resolve their grievances. The Grievance Policy is applicable to all government employees and is in keeping with the provisions of the Labour Relations and Industrial Disputes Act and the Labour Relations Code.

The fundamental principle of this policy is that each employee has a right to express grievances, which are facilitated by a formal, transparent, objective, and fair methodology within the workplace. Grievance issues not addressed may be manifested in absenteeism, insubordination, negligence and ultimately a reduction in the level of productivity. As such, the grievance policy is necessary in ensuring that all employees' concerns are addressed fairly and expeditiously to the benefit of the employee and the organisation as a whole.

It is the responsibility of each Permanent Secretary/Head of Department/Chief Executive Officer to ensure that this policy is brought to the attention of all employees and should be made readily accessible. This Policy is to be implemented within the Public Sector.

POLICY STATEMENTS

- This policy is to facilitate any employee, or group of employees to present to supervisors and management of their organisations, either alone or accompanied by a representative, any work related complaint or grievance which may arise.
- This policy requires that grievances are considered seriously and impartially and that decisions are taken in keeping with government's policies in order to promote to the fullest extent possible, a harmonious relationship between employees and employers.
- This policy gives every employee the right to file a grievance without fear of discrimination or reprisal within the organisation or wider service.
- This policy subjects any employee, who harasses or intimidates another employee who has filed a grievance, given testimony or provided evidence, to disciplinary action.
- This policy requires all parties to take all the necessary steps to ensure the earliest possible resolution or disposal of grievances.

OBJECTIVES

The objectives of this policy are to:

1. establish a framework where employees who feel aggrieved can seek to resolve grievances promptly and fairly.
2. facilitate harmonious relationships between management and employees through effective communication to resolve and reconcile work-related problems
3. ensure that employees are aware of the procedures that exists to hear grievances
4. eliminate discrimination and foster objectivity in the resolution of grievances.

SCOPE

This policy shall apply to all employees in Ministries, Departments and Agencies (MDAs) and shall be adopted in the Public Sector.

DEFINITIONS

Aggrieved

Employee: An employee who has a grievance and has initiated the Grievance Procedure.

Grievance: A grievance may be described as an actual or supposed circumstance that an employee regards as just cause for a complaint.

Grievance may be of two types:

- Rights - involve the application and interpretation of existing agreement or rights;
- Interests - relates to claims by employees or proposal by management as to the terms and conditions of employment.

The Grievance Procedure should not be confused with the Disciplinary Procedure which is evoked when an employee is not operating within the organisation's code of conduct.

Examples of grievance issues include terms and conditions of employment, health and safety / working environment, new working practices, work relations, bullying and harassment, organisational change and equal opportunities.

Employee: Employees are all those workers who hold the type of job defined as paid employment jobs.

An individual who has entered into or works under a contract of employment

(Applicable to all permanent, temporary and contract officers).

Former

Employee: An individual who held the status of an employee as above.

PROCEDURE

The following is the recommended procedure to be observed in presenting and resolving disputes, whether initiated by individuals or a group of individuals. It is recognised that all MDAs may not have similar organisational structure and hence, the number of reporting levels may differ.

Individual Grievance (See Appendix 2)

Stage 1: The employee shall first raise the grievance/complaint with his/her immediate supervisor (which may be presented in writing). The supervisor shall seek to resolve the matter promptly.

If the employee accepts the solution then an agreement is prepared and signed by all parties.

If the employee is dissatisfied with the outcome and the matter remains unresolved then he/she has the right to present the grievance in writing at the next stage within five (5) working days.

N.B. Where the matter has serious implications for life, property or the operations of the organisation; the supervisor should contact the Human Resource Manager

Stage 2: At this stage, the grievance shall be presented in writing to the Head of the Department/Section/Division within the prescribed time; a meeting should be convened with the employee and the Human Resource Department advised.

The employee has the right to be accompanied by an employee representative.

If the employee accepts the solution then an agreement is prepared and signed by all parties.

If the matter remains unresolved, the employee has the right to present the grievance, in writing, at the next stage within five (5) working days.

Stage 3: At this stage, a meeting should be convened with the employee once the matter has been presented in writing to the Head of the Human Resource Department (HRD) within the prescribed time. The HRD shall seek to resolve the matter within ten (10) working days.

The employee has the right to be accompanied by an employee/union representative.

If the employee accepts the solution then an agreement is prepared and signed by all parties.

If the matter is unresolved then the employee has the right to present the grievance at the next stage within five (5) working days.

Stage 4:

If an acceptable solution has not been proffered at the preceding stage, the matter is submitted by either party, to the Permanent Secretary/Head of Department / Chief Executive Officer and shall be disposed of within fifteen (15) working days.

The Permanent Secretary/Head of Department/Chief Executive Officer shall be presented with all documents relating to the grievance for review and shall convene a meeting with the employee and relevant persons should the need arise.

The employee has the right to be accompanied by an employee/union representative.

If the employee accepts the solution then an agreement is prepared and signed by all parties.

If the employee is dissatisfied with the response then he/she has the right to report the grievance to the Ministry with responsibility for the Public Service within ten (10) working days.

Stage 5: The Ministry with responsibility for the Public Service will conduct a review of the matter in consultation with the respective Ministry/ Department/Agency.

If the Ministry with responsibility for the Public Service is unable to resolve the matter within three (3) months, it shall be referred to the Ministry of Labour and Social Security as a dispute.

Stage 6: The Ministry of Labour will seek to resolve the matter in discussion with the parties.

If there is a failure to achieve an agreement at this stage, the matter may be referred to the Minister of Labour and Social Security for his determination.

Note:

1. Where the grievance is a sexual harassment matter against the immediate supervisor, the matter shall be reported directly to the Head of the Human Resource Department.
2. Where the grievance is with the immediate supervisor or the Head of Department, the matter should be reported to the next

level or the Human Resource Department.

3. The organisation should accept that if it fails to deal with the grievance within the time specified, the employee may take the grievance to the next stage.
4. Management reserves the right to consider as abandoned any grievance that the complainant fails to present at the next level during the specified time without a plausible explanation.
5. Management and employee can agree that the time may be extended at any level by mutual agreement.
6. After Stage 4, if the employee with grievance is employed to an Agency or Department, then the matter should be referred to the Ministry with responsibility for that organisation for resolution. If no resolution then the matter is referred to the Ministry with responsibility for the Public Service.
7. The organisation should ensure that a record is kept of all discussions and decisions taken.

Collective Grievance (See Appendix 3)

This procedure is designed to operate when a group of employees wishes to raise a common grievance, whether or not a recognised employees' association or trade union represents the employees.

Stage 1: The group's representative shall present the grievance in writing to the Head of the HRD who shall convene a meeting within (5) working days of the receipt of the written grievance.

The Head of the HRD shall invite to the meeting the group's representative, a delegation from the employees affected and any officer who could materially assist in resolving the grievance.

Where an agreement has been reached, the Head of the HRD shall provide a written report, which should include signatures of the relevant officers.

Where there is failure to arrive at an agreement, the Head of the HRD shall provide a written report and submit the grievance to the Permanent Secretary/Head of Department/Chief Executive Officer within ten (10) working days.

Stage 2: Where the grievance remains unresolved, the Permanent Secretary/Head of Department / Chief Executive Officer shall schedule a meeting within fifteen (15) working days.

The employees may choose to involve a fulltime officer of their staff association or trade union at this stage.

Where an agreement has been reached, the Permanent Secretary/ Head of Department/ Chief Executive Officer shall provide a written report, which should include signatures of the relevant officers.

If the employees are dissatisfied with the response then the grievance is to be reported to Ministry with responsibility for the Public Service within ten (10) working days.

Stage 3: The Ministry with responsibility for the Public Service will conduct a review of the matter in consultation with the respective Ministry/Department/Agency.

If the Ministry with responsibility for the Public Service is unable to resolve the matter within three (3) months, it shall be referred to the

Ministry of Labour and Social Security as a dispute.

Stage 4: The Ministry of Labour will seek to resolve the matter in discussion with the parties.

If there is a failure to achieve an agreement at the preceding stage, the matter may be referred to the Minister of Labour and Social Security for his determination.

Note:

1. Management and employees should undertake to continue to work normally during this process. This means that both parties should continue with the performance of the terms and condition of employment that applied before the grievance was raised.
2. The group's representative should not be liable to any sort of disciplinary action arising entirely out of his/her legitimate effort at representation of the group's concerns.
3. The organisation should accept that if it fails to deal with the grievance within the time specified, the employees may

take the grievance to the next stage.

4. Management reserves the right to consider as abandoned any grievance that the employees fail to present at the next level during the specified time without a plausible explanation.
5. After Stage 1, if the employees with the grievance are employed to an Agency or Department, then the matter should be referred to the Ministry with responsibility for that organisation for resolution. If no resolution is achieved, the matter is referred to the Ministry with responsibility for the Public Service.

Post Termination

Where a grievance is received from a former employee consideration should be given to resolving the issue.

1. The former employee must present the grievance in writing within three (3) months of separation
2. The organisation is to provide a written response within thirty (30) working days. Where the former employee is dissatisfied with the organisation's response, the process from Stage 5 (Ministry with responsibility for the Public Service) should be followed.

Where the Ministry with responsibility for the Public Service is unable to facilitate a resolution within three (3) months, then the matter is to be referred to the Ministry of Labour and Social Security.

Note:

If no resolution has been achieved at any stage of the abovementioned procedures (*Individual, Collective or Post-Termination*) and the matter is referred to the Minister of Labour and Social Security, then he/she may refer the matter the Industrial Disputes Tribunal based on his/her assessment or at the request of either party.

APPENDICES

1. Tips for use in the resolution of grievances

i. Listen to the Grievance

- Hear the grievance as soon as possible
- Talk to the staff member privately
- Establish facts: what, where, when, who, how and why
- Clarify your understanding of the situation and read back to the staff member
- Investigate all allegations
- Seek a resolution at the lowest possible level
- **Offer assistance where necessary, within the authority of the position and organization**
- Propose to sit with both parties on discussions

ii. Awareness

- Explain the grievance procedure and make a copy available to the employee
- Discuss confidentiality

iii. Documentation

- Ensure that all discussions are documented and any evidence retained
- Seek witnesses

iv. Communication

- Maintain open communication and confidentiality with all parties at all stages of the process
- Seek advice where technical expertise is required in resolving the grievance

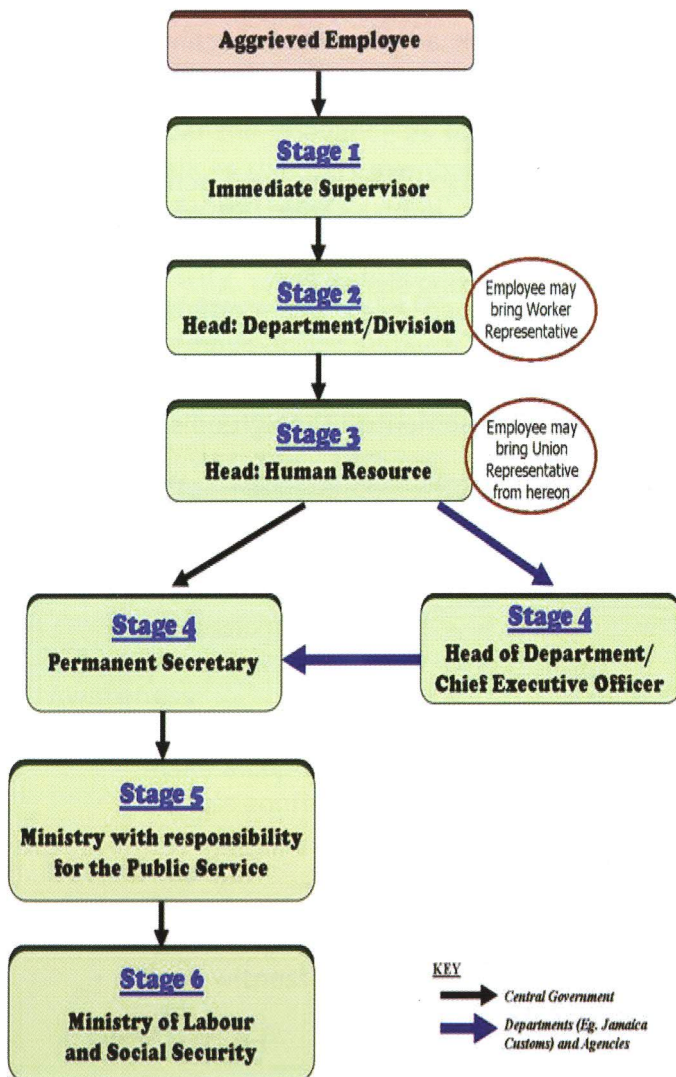
v. Agreement

- If a solution has been achieved, record and ensure that all parties clearly understand the terms of agreement by affixing signatures

vi. Follow-up

- Check that all parties involved have implemented the agreed solutions

2. Individual Grievance Procedure Chart



3. Collective Grievance Procedure Chart

