

## GRIEVANCE PROCEDURE

### Section 1: General

#### 6.1.1- Fair consideration to be given

It is the Government policy that full and fair consideration shall be given when an employee or group of employees allege that they have been unfairly treated in the course of their work. Within the framework of existing regulations every effort shall be made to arrive at an agreed solution of mutual satisfaction to both employees and Government.

#### 6.1.2- Procedures must be adhered to

It shall be the responsibility of any employee who considers that he /she has a grievance to ensure that in pursuing their grievance, he/she adheres to the procedures set out below. Failure to comply may result in the complaint being disallowed.

### Section 2: Procedure

#### 6.2.1- Grievance first to be referred to supervisor

An employee who has a grievance should, in the first instance, seek to resolve the issue with his/her immediate supervisor. This must be done **within 5 working days** of the occurrence that has resulted in the grievance. The supervisor shall respond **within 2 working days**.

#### 6.2.2- Supervisor's responsibilities

If the grievance arises out of a matter over which the supervisor or Agency Head has no control, the employee may request his/her supervisor or agency Head to act on their behalf in referring the grievance to the appropriate authority. In this circumstance the supervisor or Agency Head is obliged to convey the substance of the grievance to the appropriate authority regardless of evaluation of its validity or otherwise. Supervisors at all levels are responsible for receiving and acting properly on complaints made by their subordinates. All employees who comply with these procedures are guaranteed a fair hearing and freedom from restraint, interference, discrimination or reprisal.

#### 6.2.3- Formal grievance procedure

If the supervisor's response fails to resolve the grievance satisfactorily, the employee may, **within 5 working days**, initiate the formal grievance procedure which shall be as follows:

##### a) **First level of review**

A grievance shall be submitted in writing to the employee's immediate supervisor. The written grievance shall be as specific as possible and shall include all facts deemed pertinent to its resolution. The immediate supervisor may meet and discuss the grievance with employee and/or their representative, if any, and shall reply in writing to the employee **within 5 working days**.

##### b) **Second level of review**

If the employee does not agree with the supervisor's decision, or if no answer has been received **within 5 working days**, the written grievance shall be presented within **3 working days** to the next level of supervision. The second level supervisor or their representative shall have **5 working days** to investigate and render a written decision to the employee.

##### c) **Third level review**

If the employee does not agree with the decision of the second level supervisor, or if no answer has been received in **5 working days**, the written grievance shall be submitted to the Agency Head. After the receipt of the grievance, the Agency Head shall have **10 working days** in which to conduct such investigation or hearing as he/she deems necessary and render a written decision to the employee.

#### **d) Referral to Examining Committee**

If the grievance still remains unresolved after having been examined by the Agency Head, the employee may, **within 3 working days** of receiving the Agency head's written decision, appeal to the Examining Committee of the Board of Appeal.

### **Section 3: Appeals**

#### **6.3.1-Board of Appeals**

##### ***Constitution of Board of Appeal***

The Board of Appeal is responsible for giving final decisions in all matters of appeal except in cases of dismissal which are subject to the approval of the president/Head of State (or the Director-General as presidential designate).The Act provides that the Board of Appeal shall consist of 7 members, one of whom shall be the Director-General. The remaining members of the Board shall comprise: 2 cabinet Members, 1 Educator, 2 Lawyers and 1 Senior Civil Servant. With the exception of cases of dismissal, majority decisions shall be final in all cases of appeal.

#### **6.3.2- Examining Committee**

##### ***Constitution of Examining Committee***

The Director-General shall appoint a Standing Examining Committee of the Board of Appeal. The Committee shall consist of 3 members known as Hearing Officers. The Chairman of the Committee shall be the Deputy Director-General.All grievances shall first be referred to the Examining Committee. If either party is dissatisfied with the ruling of the Examining Committee, they may appeal to the Board of Appeal.

#### **6.3.3- Appeals procedure**

##### ***Matters which may be the subject of appeals***

A Civil servant who has been formally disciplined may appeal to the Examining Committee of the Board of Appeal on any matter concerning the interpretation of the Civil service Act or these Orders.

##### ***Matters which may not be the subject of appeals***

- b) A Civil Servant may not appeal to the examining Committee against a decision which relates to working conditions or employee relations as these matters are entirely within the jurisdiction of the Appointing Authority.

#### **6.3.4- Who may appeal**

- a) Any employee of the Government service in a position covered by the Act who has been certified as being eligible, or who has passed the Civil Service Examination for his/her class of work, may appeal any action affecting their Civil Service status to the Examining Committee and to the Board of Appeal as provided in the Act.

##### ***Civil Service Examination to affect status***

- b) Any employee of the Government service in a position covered by the Act for which a Civil Service Examination has not been offered may appeal any action affecting his/her Civil Service status to the Examining Committee and to the Board of Appeal as provided in the Act.

##### ***Who may not appeal?***

- c) Any employee of the Government service in a position covered by the Act who has not passed or who has refused to take the Civil Service Examining offered for his/her class work, has no right to appeal any action to the Examining committee or to the Board of Appeal.

### **6.3.5- Appeals to be in writing**

Every appeal to the Examining Committee or Board of Appeals shall be written. It shall state the facts upon which it is based and the relief requested.

### **6.3.6- Time limits to appeals**

An appeal against dismissal must be filed with the Director-General **within 15 days** of the date the notice of dismissal. An appeal against suspension must be filled **within 10 working days** of the date of suspension. All other appeals must be filed **within 30 calendar days** of the date on which the appellant was served with the notice, report or other document which is the subject of the appeal. The Director-General may in certain circumstances, and if the appellant can show good cause, agree to extend the time limit for filing an appeal for up to an additional 30 calendar days.

### **6.3.7- Appeals hearings**

Hearings shall be held in accordance with the Act and may be held during working hours. Any person whose testimony will contribute to the adjustment of grievance may be called in as witness.

All parties to the appeal shall have the right to be represented by a person of their choosing.

Hearings shall be informal and the rules of evidence shall not be applicable.

### **Appeal to Board within 10 working days**

If an employee is not satisfied with the decision of the Examining Committee in regard to his/her appeal, they shall, **within 10 working days** of receiving the decision of the examining Committee, file an appeal to the Board. Decisions of the board shall be final except as in 6.3.1 above.