

## HUMAN RESOURCES CODE

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### 10 EMPLOYEE RELATIONS

#### 10.5 GRIEVANCE PROCEDURE

**POLICY:** The Executive Director is responsible for the successful operation of LAMP, including ensuring that fair and appropriate supervision is provided for all employees.

Every employee has the right to file a grievance if she/he believes that she/he has been unjustly treated. Every effort shall be made to settle differences which may arise between an employee and his/her direct or indirect supervisor quickly, and at the earliest stages of the grievance procedure.

**DEFINITION:** A grievance is a complaint regarding the interpretation, application, administration or alleged violation of the Human Resources Code or a complaint by an employee that she/he has been disciplined without just cause. However, termination of employment, including termination during a probationary period, shall not be the subject of a grievance.

**PROCEDURE:**

**Step 1: Discuss the complaint**

Employees are encouraged to resolve any workplace differences directly with their supervisor through open and direct communication. If an employee feels that he/she has been unjustly treated, the employee shall discuss the complaint with his supervisor. She/he may also consult with the Administration/Human Resources Manager, in confidence, to seek clarification regarding policy and/or to request mediation. Any such discussions or subsequent appeals, if any, are to be kept confidential. If the employee is not satisfied with the discussion with the supervisor and wishes to grieve the complaint, they shall proceed as follows:

**STEP 2: Submit the complaint in writing**

Within **5** business days\* of the incident giving rise to the complaint, the employee shall submit the complaint in writing to the supervisor, either specifying the section of the HR Code which she/he believes has been violated or specifying why they believe the discipline imposed was unjust, and the remedy they are requesting. If the grievance is about discipline, the employee must comply with the terms of the discipline immediately and throughout the grievance procedure.

*\*In general, the time limits outlined in this procedure may only be modified by the ED or his/her designate, and only for a compelling reason. It is the intention of this policy to resolve grievances in a timely manner.*

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#### 10.5 GRIEVANCE PROCEDURE (Continued)

**STEP 3:** Meet with the supervisor

Within 5 business days of receiving the complaint in writing, the supervisor and employee shall meet. At the request of the employee, a representative (either a staff association rep. or a staff member chosen by the grievor) may be present. Either party may request the presence of the Administration/HR Manager. Employees must meet with their supervisor or forfeit their grievance. The supervisor shall reply in writing within 3 business days of the meeting. If the matter is resolved, it is considered cleared, and no record will be made of the complaint.

**STEP 4:** Appeal

If the grievance relates to an alleged violation of the HR Code, and the matter remains unresolved, the employee may, within 3 business days of receiving the supervisor's written reply, appeal the supervisor's decision by submitting the same written complaint and reason for the appeal to the Administration/HR Manager. The Administration/HR Manager will convene a meeting with the employee (and a representative, if desired) within 5 business days of receiving the appeal. The employee /representative will present the reason for the appeal along with any pertinent documentation. As soon as practical, the Administration/HR Manager will add the appeal to the next scheduled Management Team meeting, where they will present their findings and a final decision will be made. The decision will be written, and will be delivered to the employee by the Administration/HR Manager within 3 business days of the management meeting.

If the grievance relates to a complaint about discipline imposed, and the matter remains unresolved, the employee may appeal the supervisor's decision within 3 business days by submitting the same written complaint and reason for the appeal to the supervisor's manager/director with an optional final appeal to the Executive Director.

If this option is chosen, a meeting of the manager/director, supervisor and employee/representative will be held within 5 business days. The Administration/HR Manager would chair the meeting to ensure policy and procedure are followed, that all the steps have been taken, and that the spirit of the policy with regard to resolving differences at the lowest possible level has been honoured. The employee/representative will present the reason(s) for the appeal and any new information. The manager/director may require the parties to meet again and attempt to reach a compromise, or may ask the Administration/HR Manager to mediate a possible solution before reaching a decision. The manager/director shall respond in writing within 5 business days.

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### 10 EMPLOYEE RELATIONS

#### 10.5 GRIEVANCE PROCEDURE (continued)

If the matter remains unresolved, the employee may, within 3 business days of receiving the reply, appeal the manager/director's decision by submitting the same written complaint with the reason(s) for the appeal to the Executive Director. The ED will review the documentation and conduct any meetings they deem necessary. At this stage there will be no attempt to mediate or reach a compromise. The ED will be required to either support the decision of the manager/director or dismiss the discipline. The decision will be made within 5 business days of receiving the grievance. The decision will be final and binding.

Written appeals and decisions on appeals will be placed in the employee's HR file for a period of not less than 2 years unless a shorter period of time is negotiated.

Grievances regarding discipline issued by the Executive Director would follow the same procedure outlined in steps 1 and 2 above. In step 3, managers/directors may choose another member of the management team as their representative in the meeting. In step 4, the appeal would be to the Chairperson of the LAMP Board.

The Chairperson will review the documentation and conduct any meetings they deem necessary. The chairperson may agree to hear oral submissions from the ED and employee if asked, and may also solicit assistance from any member of the Board Management Committee.

The Chairperson may suggest that the Executive Director review their decision. In addition, the chairperson may also make suggestions as to what factors the Executive Director may wish to consider in that review.

The Executive Director will reply in writing with a final decision within 3 business days of receiving the chairperson's comments. The decision will be final and binding.