

STATEMENT OF POLICY AND PROCEDURE

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SECTION 1 - 3.Q APPENDIX W

GRIEVANCES

Although we seek to provide a workplace in which all employees feel that they are an important part of the Northern Lights Library System ("NLLS") and where employees feel fairly treated, there may be times when you have a dispute with a co-worker, supervisor, or NLLS which can best be resolved through a formal procedure for dispute resolution. Disputes between an existing employee and NLLS are to be resolved by in accordance with the following procedure. Please note, however, that NLLS reserves the right to modify this Policy and its procedure at any time, in its sole discretion.

1. General

- a) Any current employee may file a grievance related to conditions of employment, workplace harassment from other employees, occupational health and safety issues, or other employment related issues.
- b) A former employee who has resigned, or whose employment has been concluded by NLLS, is not permitted to file a grievance under this Policy.
- c) Nothing in this Policy prohibits an employee, or former employee, from seeking remedies available under the Employment Standards Code, the Alberta Human Rights Act, or the Occupational Health and Safety Act, or any other employment related legislation, or from commencing Court proceedings.
- d) All matters related to a grievance shall be kept confidential to the extent reasonably possible. However, so as to allow sufficient and proper investigation into a grievance when required, absolute confidentiality cannot be guaranteed. Investigation into a grievance shall involve the parties to, and those named in, the grievance, as well as others who may have relevant information regarding the grievance.
- e) The applicable Level adjudicator will be the individual(s) responsible for rendering a written decision at the Levels outlined in Part 2 of this Policy. The involvement of witnesses will be at the discretion of the applicable Level adjudicator.
- f) An employee who files a grievance in good faith under this Policy shall not be subjected to any adverse or negative treatment as a result of filing the grievance. No employee shall take retaliatory action against a grievor, and/or other individual(s), in attempt to dissuade, deter, or punish the grievor, and/or other individual(s), from participating in the grievance process. Disciplinary action, up to and including termination of employment, may result for any such retaliatory action.
- g) An employee who files a frivolous or vexatious grievance, or a grievance in bad faith, (as determined by NLLS may be subject to disciplinary action, up to and including termination of employment.
- h) NLLS recognizes the importance of maintaining confidentiality, impartiality, and fairness in respect to, and during, the grievance process. Accordingly, when an employee files a grievance, it is important and expected that the employee submits their grievance only to the individuals expressly identified in this Policy for each respective Level of adjudication (Level 1 – immediate Supervisor or Department Manager, Level 2 – Executive Director, Level 3 and/or grievances that relate to the Executive Director – Chairperson of the Grievance Committee). An employee who fails to strictly comply with the foregoing may be subject to disciplinary action, up to and including termination of employment.
- i) If the Executive Director is, or will be, absent from work for an extended period of time, the Executive Director may appoint a temporary designate for the purpose of administering this Policy during such absence from work.

2. Procedure

Level 1

- a) The employee shall, before taking any other steps, informally and verbally discuss the matter with their immediate Supervisor or Department Manager. Formal grievances filed in writing to their immediate Supervisor or Department Manager will not be accepted, reviewed, or adjudicated under this Policy until the matter is informally and verbally discussed with their immediate Supervisor or Department Manager. If the matter is informally resolved by the involved parties, no further action(s) will be taken.
- b) Failing satisfaction of the grievance matter at Level 1(a), the grievor shall formally file a grievance in writing in the form attached to this Policy as Appendix W to their immediate Supervisor or Department Manager within 10 working days of the initial event that brought about the grievance.
- c) A grievance filed after 10 working days of the initial event that brought about the grievance shall not be accepted, reviewed, or adjudicated under this Policy. An employee waives their right to submit or advance a grievance that is filed after 10 working days of the initial event that brought about the grievance.

- d) The immediate Supervisor or Department Manager shall render a written decision regarding the grievance within a reasonable time.

Level 2

- a) Failing satisfactory resolution of the grievance under Level 1, the grievor shall submit the grievance in writing to the Executive Director within 5 working days after receipt of the grievance decision from the employee's immediate Supervisor or Department Manager.
- b) A grievance submitted to the Executive Director more than 5 working days after the grievor's receipt of the grievance decision from the employee's immediate Supervisor or Department Manager shall not be accepted, further reviewed, or further adjudicated under this Policy. A grievor waives their right to further advance a grievance that is submitted to the Executive Director more than 5 working days after the grievor's receipt of the grievance decision from the employee's immediate Supervisor or Department Manager.
- c) The Executive Director shall meet with the grievor to discuss the grievance. The Executive Director shall also meet with any parties to, and those named in, the grievance. If required, the Executive Director shall perform an investigation into the grievance. In addition to interviewing the parties to, and those named in, the grievance, the Executive Director's investigation may include interviewing others who may have relevant information regarding the grievance. The Executive Director will review and consider all available information and documentation that is relevant to the grievance.
- d) The Executive Director shall render a written decision within a reasonable time.

Level 3

- a) Failing satisfactory resolution of the grievance under Level 2, the grievor shall submit the grievance in writing within 5 working days after receipt of the Executive Director's grievance decision to the Chairperson of the Grievance Committee, on behalf of the Grievance Committee.
- b) A grievance submitted to the Chairperson of the Grievance Committee more than 5 working days after the grievor's receipt of the grievance decision from the Executive Director shall not be accepted, further reviewed, or further adjudicated under this Policy. A grievor waives their right to further advance a grievance that is submitted to the Chairperson of the Grievance Committee more than 5 working days after the grievor's receipt of the grievance decision from the Executive Director.
- c) The Executive Director will provide the Chairperson of the Grievance Committee with all information and documentation relevant to the grievance that has been obtained, which the Grievance Committee will review and consider.
- d) The Grievance Committee shall meet with the grievor to discuss the grievance. The Grievance Committee shall also meet with any parties to the grievance.
- e) The Grievance Committee shall render a written decision within a reasonable time.
- f) The written grievance decision of the Grievance Committee is final and binding, subject to any applicable statutes.

Grievance Against Executive Director

- a) If an employee's grievance relates to the Executive Director, the grievance will proceed directly to Level 3. Accordingly, the employee shall formally submit a grievance in writing in the form attached to this Policy as Appendix W to the Chairperson of the Grievance Committee within 10 working days of the initial event that brought about the grievance.
- b) A grievance relating to the Executive Director that is submitted to the Grievance Committee more than 10 working days after the initial event that brought about the grievance shall not be accepted, reviewed, or adjudicated under this Policy. A grievor waives their right to submit or advance a grievance that relates to the Executive Director that is submitted to the Grievance Committee more than 10 working days after the initial event that brought about the grievance.
- c) The Grievance Committee shall meet with the grievor to discuss the grievance. The Grievance Committee shall also meet with the Executive Director to discuss the grievance. If required, in addition to interviewing the grievor and the Executive Director, the Grievance Committee may further investigate the matter, which may include interviewing others who may have relevant information regarding the grievance. The Grievance Committee will review and consider all available information and documentation that is relevant to the grievance.
- d) The Grievance Committee shall render a written decision within a reasonable time.
- e) The written grievance decision of the Grievance Committee is final and binding, subject to any applicable statutes.

3. Resolution of Grievance

- a) If the grievor agrees with a written grievance decision, they shall sign the written grievance decision, indicating that they agree with the grievance decision and that they consider the grievance resolved.

- b) A copy of the grievance and the written grievance decision(s) will be sealed and placed in the grievor's personnel file, as well as the personnel file of other parties to the grievance, if any.
 - c) A copy of the grievance and the written grievance decision(s) will be sealed and placed in the employee(s) file indefinitely however after three (3) years they will not count towards employee progressive discipline. See Sec 1, 1P Performance Management.
 - d) If a grievor files a formal grievance but it is resolved prior to a written decision being rendered, a copy of the grievance will be placed on the grievor's personnel file along with a written acknowledgment from the grievor that the grievance was satisfactorily resolved.
4. Grievance Committee
- a) The Grievance Committee will consist of 5 members:
 - i. NLLS Vice Chair
 - ii. Four (4) Members of the NLLS Board (one from each zone/non-Executive)
 - iii. Each Zone shall appoint an alternate.
 - b) The Chairperson of the Grievance Committee will be chosen by its 5 members, from among its 5 members.

NLLS Executive Board Chair

May 23, 2020

Date of Approval

APPENDIX W – Grievance Form



Employee Grievance Form

Grievant Information

Employee Name: _____ Date: _____

Job Title: _____ Date of Hire: _____

Home Mailing Address: _____

Work Mailing Address: _____

Date, time and place of event leading to grievance:

Detailed account of occurrence (include names of persons involved, if any):

Please state policies, procedures, or guidelines that you feel have been violated:

Proposed solution to grievance:

The grievant should retain a copy of this form for his/her records. The signature below indicates that you are filing a grievance, and any information on this form is truthful.

Employee Signature

Date

Received by

Date

Retain in file

Date