

## **GRIEVANCE POLICY**

### **Policy No.: HR-40**

#### **1.0 Policy Statement**

- 1.1 University employees have the right to get all their employment related concerns fairly and efficiently addressed.

#### **2.0 Procedures**

- 2.1 The procedures contained in this policy are intended to give effect to the objective of this policy. By signing their employment contracts, employees are deemed to agree to the grievance procedures contained in this policy.
- 2.2 An employee, who considers that he/she has grounds for an employment grievance, may submit the grievance to the University as per the procedures contained in this policy.
- 2.3 In all cases of employment grievances, the employee is entitled to have a third party present at any meeting between the employee and the University discussing the grievance(s).
- 2.4 The grievance must be submitted within a period of six months beginning with the date on which the action alleged to amount to an employment grievance has occurred or has come to the notice of the employee, whichever is later, to enable the University to remedy the grievance rapidly and as near as possible to the point of origin. If the grievance is not submitted within this period, the University is not obliged to consider the employee's grievance
- 2.5 When the grievance is submitted to the University, the University shall accord the employee a fair hearing by allowing the worker an opportunity to be heard, and in the presence of a third party if requested by the employee.

#### **3.0 Interpretation and Application of Contractual Provisions**

- 3.1 Any dispute or difference between the parties over interpretation, application or operation of any provision of an employment contract shall be referred by the employee, in writing, to the Director of Human Resources in the first instance.
- 3.2 Failing a satisfactory outcome within a period of three working days, the dispute of difference shall be referred, in writing, to the Vice Chancellor, who shall, provide his interpretation of the provisions within five working days.

#### **4.0 Grievances Related to Discrimination or Sexual Harassment**

- 4.1 Any grievance that an employee has that relates to discrimination or sexual harassment shall be dealt with as provided for in the Discrimination and Harassment Policy.
- 4.2 In the event that an employee wishes to proceed, after exhausting the internal procedures, to external remedy, the employee would need to elect whether he/she proceeds under the ERP or the Fiji Human Rights Commission Act 1999, but not both.

#### **5.0 Grievances Related to Work Performance**

- 5.1 Any grievance that an employee has relating to his/her job description, workload or work environment shall, in the first instance, be taken to the employee's immediate supervisor.
- 5.2 Failing a satisfactory resolution by the supervisor within a period of three working days, the aggrieved employee shall elect for one, and only one, of the following options:
  - 5.2.1 either follow the procedures outlined in Schedule four of the Employment Relations Promulgation, or

- 5.2.2 escalate the resolution to higher levels of line authority within the University. This shall be done in writing. The escalation shall be as per the organizational hierarchy to senior supervisor(s) reaching the section head.

## 6.0 ERP Procedures of Grievance Resolution

- 6.1 If the employee is still unsatisfied with the decision of the supervisor, he/she may refer the matter to the University's Human Resources Department; this referral must be in writing, and must state:
  - 6.1.1 the nature of the grievance;
  - 6.1.2 the facts giving rise to the grievance; and
  - 6.1.3 The remedy sought.
- 6.2 The University may grant the remedy(ies) sought.
- 6.3 If the University does not grant the remedy sought, the University shall provide the employee, within seven days after the day on which the University received the employee's written statement, give the employee a written response setting out:
  - 6.3.1 the University's view of the facts; and
  - 6.3.2 the reasons why the University is not prepared to grant the remedy sought.
- 6.4 The employee may refer the grievance to the Mediation Services of the Ministry of Labour, in the manner the Ministry has prescribed, if:
  - 6.4.1 the employee is not satisfied with the University's written response; or
  - 6.4.2 the University fails to provide, within seven days after the day on which the University receives the employee's written statement, a written response.; or

## 7.0 Escalating the Resolution within the University

- 7.1 Failing a satisfactory resolution by the supervisor within a period of three working days, the aggrieved employee may escalate the resolution to higher levels of line authority. This shall be done in writing. The escalation shall be as per the organizational hierarchy to senior supervisor(s) reaching the section head.
- 7.2 The employee shall refer the matter to the senior supervisor and/or the section head, who is required to deal with the grievance within three working days of the referral of the grievance to him/her. The senior supervisor may refer the matter to his/her Dean or Director/Registrar in the first instance, for resolution.
- 7.3 If the outcome is unsatisfactory to the aggrieved employee, the employee shall refer to the matter to the Dean, or the Director/Registrar, as the case may be, in which case the officer the grievance is referred to shall deal with the grievance within three working days of the referral of the grievance to him/her. The HR Director may also receive the grievance directly from the senior supervisor and/or the section head of the aggrieved employee. The Dean/Director/Registrar may refer the matter to the Director of Human Resources in the first instance, for resolution.
- 7.4 If the outcome is still unsatisfactory to the aggrieved employee, the employee shall refer the matter to the Director of Human Resources, in which case the Director shall deal with the grievance within five working days of the referral of the grievance to him/her. The Director of HR may refer the matter to the Vice-Chancellor the first instance, for resolution.
- 7.5 Failing a satisfactory resolution by the Director of HR, the employee may refer the grievance to the Vice Chancellor, who shall, within five working days resolve the grievance.
- 7.6 If the aggrieved is still unsatisfied with the decision of the Vice-Chancellor, he/she may refer the matter to the Mediation Services of the Ministry of Labour, in the manner prescribed by the Ministry.

## 8.0 Grievances Related to Employee Conduct

- 8.1 When any grievance relates to another employee of the University, the employee shall report the matter to the Director of HR or his nominee, for consideration, and for its resolution through the University's employee/staff conduct mechanisms.
- 8.2 If the employee has taken the grievance to any level of his supervisor, and the supervisor assesses the grievance to involve matters of employee conduct, he/she shall refer the grievance to the Director of HR or his nominee, for consideration of its resolution through the University's employee conduct mechanisms.
- 8.3 If the employee is still unsatisfied with the decision of the Director of HR, he/she may elect to, following the procedures listed in s6 or s7 above, as the case may be:
  - 8.3.1 either follow the procedures outlined in Schedule four of the Employment Relations Promulgation, or
  - 8.3.2 escalate the resolution to higher levels of line authority within the University. This shall be done in writing. The escalation shall be as per the organizational hierarchy to senior supervisor(s) reaching the section head.

## 9.0 Grievances Related to Student Conduct

- 9.1 When a grievance reported relates to a student of the University, the employee shall report the matter to the secretary of the appropriate students' discipline committee (Student Academic Disciplinary Committee or Student General Disciplinary Committee) for the Committee's deliberation.
- 9.2 If the employee has taken the grievance to any level of his supervisor, and the supervisor assesses the grievance to involve matters of student conduct, he/she shall refer the grievance to the Secretary of the appropriate students' disciplinary committee, for consideration of its resolution through the University's Student Disciplinary Committee mechanisms.
- 9.3 If the employee is still unsatisfied with the decision of the supervisor, he/she may elect to, following the procedures listed in s6 or s7 above, as the case may be:
  - 9.3.1 either follow the procedures outlined in Schedule four of the Employment Relations Promulgation, or
  - 9.3.2 escalate the resolution to higher levels of line authority within the University. This shall be done in writing. The escalation shall be as per the organizational hierarchy to senior supervisor(s) reaching the section head.

## 10.0 Grievances Related to Dismissal

- 10.1 When the employment grievance relates to dismissal, the employee may refer the employment grievance directly to the Mediation Services in the manner prescribed in the ERP.

## 11.0 Mediation Services under the ERP

- 11.1 An employee may refer the employment grievance to the Mediation Services of the Ministry of Labour, in the manner the Ministry has prescribed, if:
  - 11.1.1 an employee is dismissed; or
  - 11.1.2 the employee is not satisfied with the University's written response; or
  - 11.1.3 the University fails to provide, within seven days after the day on which the University receives the employee's written statement, a written response; or
  - 11.1.4 the University and the employee have agreed to waive the requirement for an exchange of written statements and the employee is not satisfied with the University's response to the grievance.
- 11.2 An employee has the right to pursue the grievance in person, or with the assistance of a

representative. However, resorting to any party outside the ERP mechanisms, or the Internal University mechanisms as described in this policy, except the representative constitutes gross misconduct.

## 12.0 Limitation

- 12.1 No grievance would be entertained if it is lodged six months after the date the alleged action took place that gave rise to the grievance.

## 13.0 Confidentiality

- 13.1 Any grievance made known to the University must be kept confidential between the parties unless circumstances require otherwise.
- 13.2 The onus of keeping the grievance confidential is on both, the employee and the University.
- 13.3 Any attempt, directly or indirectly, to air the grievance through any channel other than the internal processes as outlined above, is deemed to be a gross misconduct.

## 14.0 Lack of Confidence in supervisor(s)

- 14.1 When there is a lack of confidence of the aggrieved in the immediate supervisor and the supervisors along the accountability steps, the employee may take the matter directly to the Director of HR, who shall consider the case. The Director of HR may refer the matter to the Vice-Chancellor for his consideration.

## 15.0 Natural Justice

- 15.1 Consideration of all grievances by employees must be within the principles of natural justice. These principles required the following:
  - 15.1.1 the respondent must know the name of the complainant and all the allegations in relation to his/her conduct or behaviour that is alleged to be the subject matter of the grievance;
  - 15.1.2 the respondent must have full opportunity to put forward his/her case;
  - 15.1.3 all parties to the issue have the right to be heard;
  - 15.1.4 all relevant evidence must be considered;
  - 15.1.5 irrelevant matters are not to be considered; and
  - 15.1.6 the decision must be fair and just.
- 15.2 All discussions must be file noted and kept in chronological order on the employees' file.

## 16.0 Review

- 16.1 This policy and its application shall be monitored and reviewed on a regular basis.
- 16.2 The University reserves the right to amend these policies and/or procedures as it deems necessary.