



EMPLOYEE GRIEVANCE POLICY

Policy Category	Corporate Services
Policy Search Name	<i>C – Employee Grievance Policy</i>
*Anishinabek Standard	
<i>Place of Learning</i>	<i>D. High level of involvement of professional staff who are of the same cultural background as the students with whom they are working.</i>
<i>Educators</i>	N/A
<i>Students</i>	N/A
<i>Curriculum</i>	N/A
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*These are organizationally adapted standards from the World Indigenous Nations Higher Education Consortium (WINHEC) and the Alaska Comprehensive Centre/Alaska Native Education approved by the Kenjgewin Teg Board of Directors, 2015.

1.0 Background and Purpose

1.1 Kenjgewin Teg has instituted this policy to provide employees with an outlet to express any dissatisfaction with respect to issues related to their employment.

2.0 Definitions

“grievance” A real or imagined wrong or other cause for complaint or protest, especially unfair treatment.

3.0 Application

3.1 This policy applies to all staff members of Kenjgewin Teg.

3.2 This policy does not apply to postsecondary instructors who are assigned to teach a postsecondary course(s) delivered solely by Kenjgewin Teg and/or together with a postsecondary partner of Kenjgewin Teg.

4.0 Policy

Policy Objective

4.1 In order to foster better employer / employee relations, Kenjgewin Teg has established a grievance review system to resolve any issues that may arise.

Grievance Guidelines

4.2 If you experience a conflict / dispute while on the job, Kenjgewin Teg expects that you will make every effort to resolve the matter in an appropriate and timely fashion.

4.3 The following steps have been outlined to assist Kenjgewin Teg employees in handling conflicts:

- A. Make every attempt to resolve the matter yourself by speaking to the individual with whom you are having difficulty, even if it means having more than one meeting.
- B. Consult Kenjgewin Teg policies to determine whether your concern is addressed in there.
- C. Speak to your immediate supervisor / supervisor about the issue. If, however, the issue is with your immediate supervisor and you do not feel comfortable speaking to them about it then you should seek guidance from the Director of Human Resources and/or Vice-President of Corporate Services and/or President.
- D. In the event that you are unable to satisfactorily resolve your conflict and wish to launch a grievance, then the process has been outlined below.

4.4 The Grievance review portion of this process is designed to address employee dissatisfaction regarding conditions of employment, or tangible job actions such as:

- Wages
- Working conditions
- The administration of company policies
- Perceived unfair or inequitable treatment
- Written or final warning
- Demotion
- Termination

4.5 It is important to note that grievances relating to workplace harassment (sexual, or racial), should be reported as outlined in the Workplace Harassment & Violence Policy.

Grievance Review Steps

- I. Supervisor*
- II. Director of Human Resources;
- III. President and/or Vice-President of Corporate Services

*In the event that a supervisor's performance or conduct is the subject of the employee's grievance, the employee may begin the process at step two rather than step one.

Administrative Related Issues

Employee Responsibilities

- 4.6 The grievance may be raised initially through a verbal discussion. However, if an investigation is required, the employee shall submit a detailed written letter of grievance and attach any pertinent documentation within 5 business days of the events giving rise to the aforementioned grievance.
- 4.7 A written letter of grievance shall generate a written response from the employee's immediate supervisor no later than 5 business days indicating the objectives and / or procedures that will be followed to resolve the grievance issue.
- 4.8 If the employee's immediate supervisor is unable to resolve the grievance issue, it will be forwarded on to the next level for review. Additionally, where a grievance is filed against the employee's immediate supervisor, the employee shall file the grievance with the Director of Human Resources.
- 4.9 Where a grievance is filed by the Supervisor, the Director of Human Resources will review the written grievance within 5 business days of receiving the grievance. The Director of Human Resources will develop a process with identifiable objectives to resolve the grievance issue. If no resolution is forthcoming, the Director of Human Resources may call upon the Vice-President of Corporate Services to review the grievance issue and jointly render a final decision.
- Where a grievance pertains to the Director of Human Resources, the employee will file a written grievance directly to the Vice-President of Corporate Services or the President who will review the grievance and render a final decision.
 - Persons other than the affected employee may not represent or file a grievance on behalf of the affected employee(s). Employees must assume responsibility for their own concerns.
 - For a grievance to be considered, it must discuss specific incidents or circumstances which have directly affected the employee, and suggest or request improvements which are both reasonable, and within the control of Kenjgewin Teg.
 - Anonymous grievances shall not be reviewed.
 - No employee shall be disciplined for using the Grievance review process.

Supervisors / Supervisor / Director of Human Resources Responsibilities

4.10 Each supervisor or Director of Human Resources in the grievance review process is required to consider the specific concerns raised and determine the eligibility of the grievance under review.

- A. Does the grievance meet the definitions established to qualify for review?
- B. Is the grievance specific to the employee involved?
- C. Does the resolution of the grievance fall within the scope of authority of the supervisor or Director of Human Resources

4.11 If the grievance meets the eligibility criteria, the supervisor or Director of Human Resources shall respond to the employee in writing within 5 business days following receipt of the grievance.

The response shall include:

- the objectives / procedures to resolve the grievance issue; or
- an indication that the supervisor's decision will not be reversed and / or amended and that the grievance issue shall be forwarded for further review.

- 4.12 If the grievance does not meet the first two criteria for eligibility, the supervisor or Director of Human Resources shall notify the employee that the grievance does not qualify for review, and the reasons for the determination.
- 4.13 If the grievance meets the first two eligibility requirements, but does not meet the third, the supervisor or Director of Human Resources shall notify the employee that their grievance has been forwarded to a higher authority to help resolve the grievance review process.
- 4.14 If the grievance is reviewed, but is not resolved to the satisfaction of the employee, the grievance will progress to the next level in the review process, up to and including alternate dispute resolution processes (e.g. mediation and / or arbitration).
- 4.15 Copies of the initial grievance, supporting documentation and all response correspondence / reports must be including in the employee's personnel file for Kenjgewin Teg

Disciplinary Action or Termination of Employment

Employee Responsibilities

- 4.16 Employees that have a grievance due to either disciplinary action or termination of employment may file a written grievance to his / her immediate supervisor within 10 business days of receiving notice of the aforementioned. The written grievance shall include a detailed account of the employee's grievance including names, dates, and any other pertinent documentation / information.
- 4.17 The supervisor shall acknowledge receipt of an employee's written grievance by signing and date stamping the written grievance before the employee. The employee shall receive a copy of their signed/date stamped written grievance.
- 4.18 The written grievance shall be reviewed by the employee's immediate supervisor at which time a written response shall be forwarded to the employee no later than 5 business days after receipt of grievance indicating one of the following:
- the objectives / procedures to resolve the grievance issue; or
 - an indication that the supervisor's decision will not be reversed and / or amended and that the grievance issue shall be forwarded for further review.
- 4.19 The Director of Human Resources shall review all documents related to the grievance issue and schedule a Grievance Review meeting between the employee and his/her immediate supervisor within 5 business days following receipt of the written grievance. In a written response following the Grievance Review meeting, the Director of Human Resources may indicate one of the following:
- the objectives / procedures to resolve the grievance issue; or
 - an indication that the supervisor's decision will not be reversed and / or amended and that the grievance issue shall be forwarded for further review.
- 4.20 The Employee Review Committee shall review all documents related to the grievance issue and schedule a Grievance Review Hearing between the employee, his / her immediate supervisor and the Director of Human Resources. The meeting shall be scheduled within a reasonable timeframe and the Committee shall not exceed 30 days to resolve the matter.

4.21 Employees are not required to adhere to the aforementioned procedures in situations that involve termination of employment.

4.22 Anonymous grievances shall not be reviewed.

4.23 No employee shall be disciplined for using the Grievance review process.

Supervisors / Supervisor / Human Resources Responsibilities

4.24 If the employee is filing a grievance due to a disciplinary action or termination of employment within 10 business days of receiving notice of the aforementioned, the immediate supervisor shall acknowledge the receipt of an employee's written grievance by signing and date stamping the written grievance before the employee. The employee shall receive a copy of their signed/date stamped written grievance.

4.25 The written grievance shall be reviewed by the employee's immediate supervisor at which time a written response shall be forwarded to the employee no later than 5 business days after receipt of grievance indicating one of the following:

- the objectives / procedures to resolve the grievance issue; or
- an indication that the supervisor's decision will not be reversed and / or amended and that the grievance issue shall be forwarded for further review.

4.26 The Director of Human Resources shall review all documents related to the grievance issue and schedule a Grievance Review meeting between the employee and his/her immediate supervisor within 5 business days following receipt of the written grievance. In a written response following the Grievance Review meeting, the Director of Human Resources may indicate one of the following:

- the objectives / procedures to resolve the grievance issue; or
- an indication that the supervisor's decision will not be reversed and / or amended and that the grievance issue shall be forwarded for further review.

4.27 The Employee Review Committee shall review all documents related to the grievance issue and schedule a Grievance Review Hearing between the employee, his / her immediate supervisor and the Director of Human Resources. The meeting shall be scheduled within a reasonable timeframe and the Committee shall not exceed 30 days to resolve the matter.

4.28 Copies of the initial grievance, supporting documentation and all response correspondence / reports must be including in the employee's personnel file for Kenjgewin Teg.

Time Limits

4.29 It is understood that the timelines outlined above for filing and response must be adhered to, unless otherwise agreed to by both the employee and employer.

Employee Grievance Review Committee

4.30 Kenjgewin Teg shall be comprised of the President and/or Vice-President of Corporate Services, one non-management employee, a Senior Manager and one Elder/Knowledge Keeper

and shall review all documents related to grievances surrounding disciplinary action or termination of employment and schedule a Grievance Review Hearing between the employee, his / her immediate supervisor and the Director of Human Resources.

4.31 The meeting shall be scheduled within a reasonable timeframe and the Committee shall not exceed 30 days to resolve the matter.

4.32 All decisions and directions of the Employee Grievance Review Committee are final.

Employee Appeal Process

4.33 Kenjgewin Teg is committed to treat its employees in a fair and equitable manner at all times and to provide a formal mechanism for any employee to seek redress for any alleged treatment that is not in accordance with the Organizational Policies.

4.33 The Employee appeal process is intended to clarify any misunderstandings or to correct a possible mistreatment.

4.34 This policy does not preclude an employee from accessing their rights under the provincial Employment Standards Office or under the Canadian Human Rights Act.

Employee Appeal Procedure

4.35 The process set out in this policy may only be used to resolve disputes related to the following:

- A. Terms and conditions of employment or established human resources organizational policies;
- B. Dismissal for cause;
- C. Other disciplinary actions, including written reprimands, suspensions, demotions, or other actions resulting in a financial penalty;
- D. Complaints of abuse of supervisorial /supervisory authority; and
- E. Complaints of workplace discrimination and harassment that have exhausted the informal and formal stage of resolution within the employment setting.

Employee Appeal Confidentiality

4.36 All information regarding the dispute will be treated in confidence to the extent possible but understanding that witnesses may need to be interviewed and the Employer, in the process, will need to disclose some information to conduct a proper investigation.

4.37 Information that is shared while conducting the investigation will be disclosed on a need-to-know basis.

Employee Appeal Hearing

4.38 Hearing will be informal in nature so that employees are able to present their own submissions.

4.39 The panel may consider the use of other methods or technologies for receiving submissions, including written submissions, and/or oral submissions,

4.40 Employees have the right to be represented before the panel, however any cost associated with such representation is the responsibility of the employee; and

4.41 Employees who file a dispute may be granted a leave of absence with pay during the hearing to present their submission directly to the panel.

Complaint Resolution Panel

4.42 Where a Complaint Resolution Panel is formed it will consist of one non-management employee, a Senior Manager (different from Employee Grievance Appeal Committee) and an Elder on the committee.

4.43 The role of the Complaint Resolution Panel is to assist the Employee in resolving the disputes set out above.

4.44 The Complaint Resolution Panel are responsible for:

- A. Providing interpretation and assistance on the application of this policy directive;
- B. Ensuring that disputes raised by employees are investigated and a decision is reached;
- C. Ensure that the investigation is treated in confidence without interfering with the investigation process;
- D. Forming a Dispute Resolution Panel when required;
- E. Providing informal reviews of dismissal for cause when requested;
- F. Monitoring the effectiveness of the process in this policy directive; and
- G. Delegating any of these responsibilities to the appropriate staff within the administration.

4.45 Member of The Board of Directors Are Responsible for Ensuring That:

- A. The provisions of this policy are being followed;
- B. Disputes raised by Employees are investigated and resolved;
- C. Investigations are treated in confidence in accordance with this policy directive; and
- D. That Employees are informed of the policy and process;

Procedure to File the Appeal

4.46 Within 30 days of the incident the Employee sends a written complaint to the Director of Human Resources and/or Vice-President of Corporate Services for Kenjgewin Teg, to the Director / Supervisor for explaining in detail the facts of the situation and the name, address and phone numbers of each of the witnesses and what each of them can confirm.

4.47 Within 10 business days of receipt of the written complaint the Director of Human Resources and/or Vice-President of Corporate Services for Kenjgewin Teg, the Director / Supervisor will investigate the matter and meet with the Employee to attempt to resolve the matter informally.

4.48 If the Employee remains unsatisfied after the Decision of the Vice-President of Corporate Services or the Director/ Supervisor has been reached the Employee will within 14 days of receiving the response submit a written complaint to the senior management requesting assistance from the Complaint Resolution Panel.

4.49 The senior management will review the written complaint of the Employee and will notify the Complaint resolution panel; and if a complaint resolution panel has not been formed, the President and Board Chairperson will form a Panel within 14 days of the senior management receiving the written complaint by the Employee.

4.50 The Complaint Resolution Panel will respond directly to the Employee with a written decision within 30 days of the Panel being formed. The Panel may meet with the Employee during this time to obtain more information regarding the complaint and to provide the Employee with a copy of the written decision they have reached.

Grievance Review Restrictions

4.51 Grievances regarding harassment (racial, sexual, etc.) or illegal discrimination should be reviewed immediately pursuant to the Workplace Harassment & Violence Policy. Filing a grievance with the Human Rights Commission or any similar agency shall not preclude an employee's use of the Kenjgewin Teg Grievance Policy.

4.52 Employees shall not be disciplined or receive any form of retaliation for utilizing the grievance review process.

4.53 Kenjgewin Teg cannot guarantee that an employee's specific grievance will be resolved in the manner he/she requested, or his/her satisfaction with the resolution.

5.0 Roles and Responsibilities

5.1 The President is responsible for the overall management and operation of Kenjgewin Teg.

5.2 The Corporate Services unit is responsible for overall implementation of this policy.

5.3 If a position referred to in this policy is vacant, the policy will not be invalidated. Instead, the President shall designate the roles and responsibilities of that role to another team member(s) and will ensure that the Kenjgewin Teg staff and community is informed of the designation(s) as appropriate.

6.0 Evaluation Date – 10/31/2024

6.1 This policy will be reviewed every two years as part of the Board of Director's policy review cycle and schedule. The evaluation date above represents the first date upon which this policy becomes eligible for review.

<p>Related Legislation, Policies, Procedures, Guidelines and Documents</p>	<p>Policy #3.0.3, Grievance C – Place of Working & Learning: Harassment and Violence Policy</p>
<p>Policies Superseded by this Policy</p>	<p><i>Kenjgewin Teg Personnel Policy, P3.0 Progressive Discipline</i></p>
<p><i>The official version of this policy is housed in the Office of the President. In case of discrepancy between an online version and the official version held, the official version shall prevail.</i></p>	