

CHAPTER 5

GRIEVANCES

GENERAL

- 5.1 The grievance procedure is designed to allow officers to raise issues of individual concern about their terms and conditions of employment in the Public Service and to have those concerns quickly considered and addressed. It does not set out to be able to resolve every issue, but where an issue cannot be resolved to the satisfaction of an officer, it should clearly provide an understandable explanation of why that issue cannot be resolved.

PROCEDURE

- 5.2 The procedure is designed to deal with appeals by officers against decisions reached under the operation of the disciplinary procedure. In these cases the officer should make an appeal in writing to the level of management above the level that decided on the disciplinary action. Appeals must be made within fourteen days of the date that a warning is given setting out the grounds upon which the officer bases the appeal. A warning from the Department Head must be appealed to the Permanent Secretary. A warning from the Permanent Secretary must be appealed to the Governor.
- 5.3 It is a precondition of this procedure that pending the resolution of a particular grievance, the officer continues to perform regular duties and that the existence of a grievance does not entitle or in any way excuse an officer who does otherwise and who may then be liable to action under the disciplinary procedure. The only exception to this rule applies to officers who have been suspended and who are appealing against that decision.
- 5.4 An officer should first raise any grievance with the Line Manager. If the matter is not satisfactorily resolved then the officer should take the matter up, in writing with the Department Head. The Department Head should communicate the decision to the officer in writing.
- 5.5 If the Department Head does not resolve the issue in a reasonable time, then the officer should raise it, in writing, with the Permanent Secretary, who should communicate the decision to the officer in writing.

- 5.6 If the Permanent Secretary does not resolve the issue to the satisfaction of the officer then the officer should raise it, in writing, with the Permanent Secretary Public Administration who should communicate the decision to the officer in writing.
- 5.7 If the Permanent Secretary, Public Administration **does not** resolve the issue to the satisfaction of the officer, the officer may raise it, in writing, with the PSC. The PSC should consider the grievance, and communicate its advice about the matter to the Governor in writing. The Governor, having considered the advice of the PSC, shall communicate the decision to the Permanent Secretary, Public Administration who will inform the officer in writing. This stage shall be the final one and in using the procedure the officer accepts that the decision of the Governor is final and binding.
- 5.8 An officer should expect a grievance hearing within twenty-eight days of its being raised at a particular level and a written reply and decision within fourteen days of the hearing. These provisions may only be delayed due to the unavoidable absence of the manager who is to consider the grievance, of the officer raising the grievance, or of some other person who is material to the process of resolving the grievance. This time limit does not apply to the Commission.
- 5.9 An officer may take legal advice on any personal matter but may not involve direct legal representation at any stage of this grievance procedure. Officers are entitled to be accompanied by a fellow officer of their own choosing at every stage of this procedure.
- 5.10 Where a grievance affects a group of officers it may be more appropriate for one of the officers concerned to volunteer to take the grievance forward on behalf of the other colleagues. In this case an individual raising such a grievance should make this clear in taking the grievance forward at every stage and specify the extent that the grievance applies to other officers by name or in some other way that they can be readily identified and benefit from the eventual resolution. Nothing in this clause detracts from the right of the Anguilla Civil Service Association or other Staff Association to raise issues of common concern with the management of the Public Service.