

Finn Church Aid

Handling an Employee's Grievance at Finn Church Aid

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1. Introduction

The purpose of this document is to provide a procedure for raising and handling employees' grievances.

Finn Church Aid (FCA) is committed to creating a climate of open communication which enables employees to voice concerns at the earliest opportunity. FCA has a Complaints Policy in which a complaint is defined as an expression of dissatisfaction. A complaint can be made by anyone who feels to have been negatively affected by FCA or FCA staff action, or who believes that FCA has failed to meet a stated commitment. Employees' grievances are a specific type of complaints. They are concerns, problems or complaints that employees raise with the employer. They can be concerns or complaints regarding employee's work, working relationships or the working environment. In that regard a grievance can be defined as a dispute about the employee's own employment position. The employer has the duty to process and respond to any grievance from employees.

What is inappropriate behaviour?

Recognising inappropriate behaviour is important. A big part of staff grievances are about inappropriate behaviour within the work community. Inappropriate behaviour can be defined as any kind of behaviour towards another member of the work community that is against good manners, duties, internal policies such as code of conduct or laws. Inappropriate behaviour can be e.g. inappropriate or degrading jokes, rude or loud remarks, swearing, touching someone in inappropriate ways "as an accident".

According to the Finnish Occupational Safety and Health Act employees shall avoid such harassment and other inappropriate treatment of other employees at the workplace which causes hazards or risks to their safety or health.

All situations raising disagreement do not give ground for grievances. The employer has the right to plan, lead and supervise the work as well as allocate resources or start a justified disciplinary procedure. The employer can decide the quality, extent and methods of work and procedures at the work place. Decisions or interpretations related to work, as well as problems related to work when discussed appropriately between employees and supervisors or between colleagues, do not constitute inappropriate behaviour.

2. Grievance procedure

We should always seek to resolve grievance issues in the workplace as close to the issue as possible and as soon as possible after the incidence happened. An independent third party may be needed to help resolve the problem. The third party need not come from outside the organisation but could be an internal mediator, as long as they are not involved in the grievance issue (e.g. a person from HR unit, occupational safety and health representative, shop steward or other staff representative). In some cases, an external mediator may be appropriate.

2.1 Submitting a grievance

If the issue of grievance cannot be resolved informally e.g. by discussions by the parties of the grievance, the employee has a right to make a formal grievance. The employee can contact any of the below mentioned persons/units (1 to 5) to process the grievance. FCA acknowledges that reporting along the management line may be difficult or even impossible in certain cases; thus there are different ways to submit a grievance.

- 1 Normal reporting in line of command: the employee submits the grievance to the nearest supervisor
- 2 Reporting above in special cases: the employee submits the grievance to the level above the immediate supervisor (e.g. in case the incident is related to the immediate supervisor)
- 3 HR Unit in HO: in cases where employees wish to bypass the line of command, the employee may submit the grievance directly to the HR Unit in the Head Office, Helsinki
- 4 Reporting through the representatives of the staff: the employee may submit the grievance to his/her shop steward, the occupational safety and health representative in Head Office, Helsinki or working environment liaison person.
- 5 Submitting a grievance on-line (FCA Complaints handling system: <http://www.kirkonulkomaanapu.fi/en/complaints>).

The grievance must be submitted in writing and sent to the chosen recipient by e-mail, or via FCA Complaints handling system on-line. At least the following issues should be written in the grievance:

- description of the issue of grievance
- time and location of the issue
- persons involved
- actions taken so far.

The person receiving the grievance must inform the HR Unit in HO immediately and consult them on how to process the grievance. The HR Unit represents the employer and ensures that an appropriate process will be followed. The employee will be sent a confirmation that the grievance has been received within five working days of the receipt of the grievance. If the HR unit is the subject of grievance, the Executive Director must be informed and he will decide how to proceed handling the grievance.

The grievance will be processed without unnecessary delay and the employee will be informed about the timeline of the process. Usually the employee will be informed of the process and the timeline as s/he receives the confirmation of the receipt of the grievance. Different issues such as travels and leave days may slightly delay the process.

2.2 Grievance hearing

Handling of a grievance includes a hearing of the employee who submitted the grievance and any other person/s involved in the grievance issue. The purpose of the hearing is to have a clear picture of what the grievance is about and to give the persons involved a chance to be heard. The parties will be heard separately.

The persons involved in the grievance will be invited to the hearing at least two working days prior to the hearing. This is to give the persons time to prepare for the meeting. If any of the persons involved in the grievance cannot attend the hearing (e.g. because s/he is ill), s/he must be offered a reasonable alternative date and time. The employee can also suggest a different time for the hearing if the support person accompanying her/him cannot attend. S/he must do this within 1 working day after the employer proposed the original meeting time. The hearing may be a face to face meeting or e.g. a teleconference.

After the separate hearings a joint hearing with the employee who submitted the grievance and the subject of the grievance will be organised whenever possible. This is subject to discretion of both parties.

The employee is entitled to have a support person with her/him at each hearing. The support person may be a colleague or a staff representative.

The employer must also make sure that there is a representative of the HR Unit or a staff member responsible for HR issues present at the hearing and that notes will be taken at the hearing. The records will be signed by the parties attending the hearing and shared with the parties of the hearing. If for any reason a person involved in the

grievance is not able to attend a hearing, s/he will be asked to make a written statement of the issue at hand.

The employer can make the decision without having a hearing if:

- the employer has already rearranged the meeting, but the employee fails to attend the jointly rescheduled meeting without a valid cause, force majeure excluded
- the employee is on long-term sick leave and unable to attend a meeting. This must be assessed case by case.

3. Employer's decisions and appeal

3.1 Decision

Some information may be left out of the hearing records in certain circumstances (e.g. to protect a witness). After the hearing and receiving possible statements from the relevant parties the employer will make a decision.

After the employer has decided the action to be taken, the employer will inform the persons involved in the grievance of the decision, setting out:

- the decision and the reasons behind it
- the appeals process and deadline

If there are any delays during the appeal process, it's important that the persons involved tell the employer as soon as possible. The employer will then inform the other parties. Delays may be due to e.g. holidays, other leave days or travels.

3.2 Appeal

Appeals may be raised by the parties of the grievance on any grounds including:

- **procedure** - a failure to follow the proper procedure at the Grievance hearing;
- **decision** - the evidence is not considered sufficient to support the decision made;
- **proposed action** - the evidence is not considered sufficient to support the decision made;
- **new evidence** - which has come to light and was not available at the grievance hearing.

The person making the appeal should also come up with an alternative remedy or outcome sought. An appeal must be made within 15 working days from the receipt of the employer's decision. If the employee or any party involved in the grievance

appeals, there will be another hearing to re-examine the decision. The process is the same as in the original hearing but the employer will also look at:

- the reasoning behind the appeal
- any new evidence

The appeal should not be handled by the same person who held the original hearing. After the appeal hearing, the employer will set out the decision in writing and state that this is the final outcome.

Confidentiality and non-retaliation

Employees' grievances are always handled confidentially and information is shared only on a "need-to-know" basis. This means that information must be restricted only to a limited number of people necessary for processing and resolving the grievance.

Any attempt of retaliation against a staff member who has submitted a grievance is considered gross misconduct and thus subject to immediate disciplinary action by FCA.

4. Filing of documents

The grievance, meeting records from the hearing(s), statements, decisions and appeals will be filed as confidential documents at HR Unit in HO or in a relevant field office if the grievance concerns national staff only. All parties must sign a non-disclosure statement which will be filed with the other documents.

5. Contact information

FCA complaints focal point:

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