



Administrative Procedures

AP-509	Date of implementation: February 2007
	Date of update: April 18, 2019
EMPLOYEE COMPLAINTS AND GRIEVANCES	Related Administrative Procedures:
	AP-516 General Appeal Process

Purpose: To provide a framework for the quick and effective resolution of difficulties concerning contract, employee welfare, or any other Division matter.

Procedure:

1) Complaints

A complaint is not a violation of an employment contract. A complaint is an expression of dissatisfaction about the service, actions or lack of action by the Division or an individual within the workplace. Complaints should be resolved as close to the issue as possible. A complaint under this procedure does not include complaints of harassment or violence, which are provided for in other administrative procedures.

a) Informal Resolution

Informal employee complaint resolution is a precursor to formal processes. At the informal complaint resolution stage, the following steps shall be followed in sequence until such time that resolution is achieved or, in the opinion of the complainant, formal resolution or an alternate resolution process is required.

i) Source of Complaint

The complainant shall, in keeping with all professional obligations, address the complaint with the person or persons at the source of the issue.

ii) Immediate Supervisor

If informal resolution is not achieved in 1(a), the complainant shall, in keeping with all professional obligations, tender the complaint with an immediate supervisor.

iii) Immediate Supervising Superintendent or Deputy Director

If informal resolution is not achieved in 1(a)(ii), the complainant shall, in keeping with all professional obligations, tender the original complaint with the Superintendent or Deputy Director responsible for the employee's workplace.

b) Appeal

The decision of the Superintendent or Deputy Director may be appealed to the Director as per AP-516 General Appeal Procedure.

c) Alternate Resolution Procedures

At any point, a complainant or the Division may request an alternative resolution process where such processes exist in law, Board policy or contract.

2) Grievances

A grievance is generally defined as a claim by an employee's bargaining unit that a member is adversely affected by the misinterpretation or misapplication of a written Division policy or collectively bargained agreement.

The *Education Act, 1995*, defines a grievance as "any disagreement between the parties to a collective bargaining agreement with respect to the meaning or application of the collective bargaining agreement or any violation of the collective bargaining agreement."

a) Grievance by a Teacher or Unionized Staff

- i) Should a teacher or a unionized staff member have a concern which may lead to a grievance with respect to the meaning, application or violation of the Local Implementation Negotiating Committee (LINC) Agreement, Provincial Collective Agreement for Teachers or CUPE Agreement, or a Division procedure, they are encouraged to first explore resolution through appropriate administrative channels described in (b) and (c) of the informal complaint resolution process.
- ii) If the process in 1(a) does not address the concern, the teacher or unionized staff member is to follow the grievance procedures detailed in applicable agreements.

3) Employment Concerns

Employees, who are not represented by a bargaining unit, and who are adversely affected by the misinterpretation or misapplication of a contract, the terms and conditions of employment or a Division procedure, will have their concerns addressed under this procedure.

a) Informal Resolution

Employees, who are not part of a bargaining unit, are encouraged to first explore resolution through administrative channels described in 1(a) above.

b) Appeal

If resolution is still not obtained, where appropriate, the staff member may submit an appeal to the Director as per AP-516 General Appeal Process.

References:

[*The Education Act, 1995*](#)

Related Handbooks and Manuals:

[*CUPE Collective Agreement*](#)

[*Local Implementation Negotiating Committee \(LINC\) Agreement*](#)

[*Exempt Employee Handbook*](#)

[*Out-of-Scope Employee Handbook*](#)