

ST MICHAEL'S CHURCH SCHOOL BOARD



3:13 PROCEDURES FOR RESOLUTION OF EMPLOYMENT RELATIONSHIP PROBLEMS

Definitions:

- a) An “employment relationship problem” includes
 - (i) a personal grievance
 - (ii) a dispute
 - (iii) any other problem relating to or arising out of the employment relationship, but does not include any problem with negotiating new terms and conditions of employment.

- b) A ‘personal grievance means a claim that an employee
 - (i) has been unjustifiably dismissed: or
 - (ii) has had his/her employment or his/her conditions of employment affected to his/her disadvantage by some unjustifiable action by the employer: or
 - (iii) has been discriminated against in his/her employment, or
 - (iv) has been sexually harassed in his/her employment: or
 - (v) has been racially harassed in his/her employment: or
 - (vi) has been subjected to duress in relation to union membership

NOTE: The terms used in this clause have precise legal means which are set out in detail in the Employment Relations Act 2000. Teachers who believe they have a personal grievance should seek the advice of the union (ISTANZ).

Time limit on raising personal grievances

A teacher who believes s/he has a personal grievance must make the Board aware of the grievance within 90 days of the grievance arising.

Raising employment relationship problems

- (a) An employment relationship problem should be raised and discussed with the staff member’s manager as soon as possible.
- (b) The staff member is entitled to seek advice and assistance from a union representative or other support person in raising and discussing the problem.
- (c) The staff member, Board and union will try in good faith to resolve the problem without the need for further intervention.

Mediation

- (a) If the problem is not resolved by discussion, any party may (without undue delay) seek the assistance of the mediation services provided by the Department of Labour. (Employment relations Service Infoline ph 0800 800 863).
- (b) All parties must co-operate in good faith with the mediator in a further effort to resolve the problem.
- (c) Mediation is confidential and, if it does not resolve the problem, is without prejudice to the parties’ positions.

(d) Any settlement of the problem signed by the mediator will be final and binding.

Employment Relations Authority

If the problem is not resolved by mediation, it may be referred to the employment Relations Authority for investigation and determination.

NOTE: The powers of the Employment Relations Authority, and the remedies it may award, are set out in the employment Relations Act 2000 and its Amendments.