

ICA's Sample Policies for Democratic Corporations



Sample Grievance Policy

The Grievance Policy

To protect the rights of member and employees, a process to address grievances is necessary. While most complaints are best dealt with directly between co-workers or with management, if reasonable attempts to resolve the matter directly have failed, an unbiased and independent party such as the Grievance Council (a subcommittee of the Board of Directors) is necessary to weigh in on the subject.

The basic task of a grievance council is to deal with questions of perceived unfairness or mistreatment brought to it by individual co-op members (or by groups of members). To do this well, the council must be readily accessible to all co-op member -- which is why the Council needs a diverse mix of member, and why the mechanics of submitting a grievance should be stated clearly in writing.

A grievance council should not serve as a "catch-all" group, to which one can pass any and all difficult or emotionally-charged problems. Unless there are limits on what the council handles, the quality of the decisions made by the council may suffer because of an overload of work, or the council may slip inappropriately into policy-making activities (i.e., by establishing precedents that have the clout of policy).

To determine whether something is a grievance, it should pass the grievability test:

- ✓ Does the complaint involve a violation of existing organizational policy?
- ✓ Does the complaint deal with a situation for which there is no applicable policy?
- ✓ Does the complaint question the fairness of an existing policy?

The following sample Grievance Policy can serve as a model on which your firm can build its policy. For more information on policy issues related to governance, see ICA's publication *Democratic Governance*.

In most unionized firms, the final step of the grievance policy is third party arbitration. The model policy does not incorporate this final step, however, it can be added quite simply if necessary or desirable.

This publication is not intended to provide advice on the proper application of state or Federal employment law. A qualified attorney or other expert should be consulted for assistance with developing any employment policies.

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GRIEVANCE POLICY of [ABC Cooperative]

1. Goals of the Grievance System

The goals of [ABC Cooperative's] grievance system are as follows:

- A. To protect individuals from unfair treatment and unsafe working conditions;
- B. To resolve conflicts at the earliest possible step to the satisfaction of all involved; and
- C. To smooth business operations by removing conflicts from the day-to-day operations.

2. What is a Grievance?

A grievance is a complaint about an action or series of actions thought to be unjust, or a working condition thought to be unsafe, which affects the grievant. Standards for justice include company policy, company practice, job descriptions, the law, charter or bylaws of [ABC Cooperative], and common sense fairness.

The grievance procedure rights may be exercised for any action or series of actions in violation of any standard for justice defined above, or for any continuing condition thought to be unsafe. Issues expressly excluded from the grievance procedure are policy disagreements and personal conflicts. Policy disagreements should be addressed by the appropriate [ABC Cooperative] body (Board, membership, committees). Similarly, personal conflicts not involving the defined standards for justice should also be resolved outside of the grievance system.

3. Who Can Grieve?

All member-track and permanent full and part-time employees have access to the grievance procedure, without fear of reprisal. Grievant's may grieve against any employee of [ABC Cooperative] and must file grievances in a timely manner. Only members and permanent full and part-time employees employed for more than [*six months*] may grieve a termination and must do so no later than ten days from their termination date.

4. [ABC Cooperative] Grievance Procedures

The following are the steps in the [ABC Cooperative] Grievance Procedure:

1. The grievant must first attempt to resolve the grievance by speaking directly with the grieved-against-person. If this attempt proves impossible or unsatisfactory, the grievant may proceed to step two.
2. The grievant must request that the membership form a Grievance Committee comprised of [*three*] unbiased persons, unless there is a standing Grievance Committee, in which case the Committee must be composed of only unbiased persons.
3. The grievant must fill out a Grievance Form. A copy of this form must be given to the grieved-against-person and his/her Supervisor. A copy of the Grievance Form must then be filed with the Grievance Committee. All future steps and results in the procedure should be noted on the form and filed with the Grievance Committee.
4. Within two working days after filing the written Grievance, the grievant, grieved-against-person, Supervisor and General Manager (or an individual appointed by the General Manager) shall meet to try to resolve the grievance. If the grievance is not resolved, then the grievant proceeds to the next step (The Grievance Committee).

If the grieved-against-person is the General Manager, then the grievant shall meet with the General Manager and the Chairperson of the Board at this stage. At this step, or any subsequent step, the grievant has the right to choose a member or director to serve as steward (advocate) for the grievant in processing the grievance.

5. Within five working days after receiving written notice of an unresolved grievance carried through to step four, the Grievance Committee shall determine grievability of this issue and, if grievable, shall hold a hearing on the grievance.

6. Within five working days after the hearing, the Grievance Committee will make a decision on the grievance and issue a written decision to all affected parties. This is the highest level of the grievance process.

5. The Grievance Committee

- A. The Grievance Committee shall consist of [*three*] unbiased employees appointed by the Board of Directors. To the extent that it is possible, input by the grievant will be considered when selecting the employees to serve on the Grievance Committee. A Grievance Committee decision in favor of the grievant must be made by a simple majority vote.
- B. Grievances will be submitted by the grievant to the Grievance Committee on a standard form. The Grievance Committee has fact-finding authority for any submitted grievance. All employees will cooperate with Grievance Committee requests for information, both written and oral.
- C. The Grievance Committee has the authority to find in favor of the grievant, overturn a decision made by the grieved-against-person, require management to take remedial action (e.g., a promotion, compensation, action to ensure safe working conditions, etc.), and call on the Board or membership to change or develop policies.
- D. There is no compensation for participants in Grievance Committee work.

Sample Grievance Form

Name of Employee: _____

Title: _____

Date of Hire: _____

Department: _____

Work Location: _____

Immediate Supervisor: _____

Statement of Grievance:

Remedy Requested:

Grievance Background

What happened? Please provide any information that led to the grievance:

Who was involved in the incident / Who were the witnesses to the grievance?

When did the grievance occur? (Date, time)

Where did the grievance occur? (Specific location)

Why is this a grievance? (What is the unfair treatment or contract, policy, rule, regulation, past practice, law that was violated?)
