



Lao People's Democratic Republic
Peace Independence Democracy Unity and Prosperity

Ministry of Education and Sports
Technical and Vocational Education Department

**Second Strengthening Technical and
Vocational Education Training Project**
SSTVET Project ADB Grant No .0503-Lao (SF)



Administration of Grievances



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1. Introduction

The Asian Development Bank supports the implementation of the Second Strengthening Technical and Vocational Education and Training. Success depends on the workforce behind its implementation. SSTVET is supported by a diverse workforce of various disciplines/backgrounds, nationalities at central and college levels of the Ministry of Education and Sports. Also, consultants are hired as firm or individual. Diverse workforce means having more differences in terms of work culture, styles and beliefs. Despite this, SSTVET commits to maintaining an environment where its diverse workforce can work and live in an atmosphere of acceptance, civility, and mutual respect.

Recognizing the fact that in any workplace, complaints could possibly arise due to various reasons and circumstances. Sometimes complaints may arise due to misunderstandings, poor communication, perceived injustices, unanswered or incorrectly answered questions or minor problems that have been neglected. Effective communication techniques are the tools by which good workplace relations can be fostered to achieve organizational objectives.

The best way to resolve grievances is to solve it internally, meaning within the organization. A Grievance Administration Mechanism should be based on the principles of fairness and accessibility. It has to be developed to encourage conflict resolution within the workplace. When effective two-way communication is not possible in a time of conflict, these procedures allow both sides of a disagreement to be fairly considered, and to permit disputes to be resolved in a timely and constructive manner. Each grievance is to be treated seriously and with an awareness that grievances must ultimately be heard, addressed and solved.

2. Definition of Terms

Grievance

A Grievance is an informal or formal complaint or allegation by an individual based on specific facts that there has been a misinterpretation, misunderstanding, miscommunication, misapplication/discriminatory application, or perceived injustices. This may arise at the workplace while people are working together, misunderstanding could arise due to: (i) conditions of employment; (ii) performance evaluation; (iii) personalities; (iv) discrimination; (v) bullying and harassment; (vi) organizational change; and others.

The intent of a formal grievance process is to resolve a dispute over significant issues rather than minor disagreements which can be solved by the Line Manager of the Immediate Supervisor.

Grievant or Grievant Group

The Grievant is the person who feels unfairly treated. The Grievant is the staff member who lodges a Grievance.

Grievant group is a group of persons who feels unfairly treated.

Respondent

The Respondent is the person who is perceived to have committed an injustice against another staff member. The Respondent is the staff member against whom a Grievance is lodged.

Witness

A Witness is an individual identified by the Grievant, Respondent, who has knowledge of the Grievance at hand. An individual identified as a Witness or potential Witness may be asked to testify. It is voluntary to act as a Witness and the decision to testify will not be used against the Witness in any way.

Grievance Coordinator

The Grievance Coordinator is a TVED Administrative staff member to whom a formal Grievance must be submitted. He/she is responsible for helping to coordinate the expeditious and fair resolution of any Grievance raised in SSTVET. He/she is also responsible for maintaining grievance files, including minutes from any meetings related to a grievance, and any reports from Grievance Hearings or Appeal Panels.

The role of the Grievance Coordinator is to assist the parties in seeking a satisfactory resolution of the issues and not to determine who is "right" or "wrong". To that end, the Grievance Coordinator will remain neutral throughout the proceedings and will serve primarily as a facilitator. In appropriate circumstances, the Grievance Coordinator may also coordinate efforts to resolve disputes in a prompt, flexible, and responsive manner. The Grievance Coordinator may also be consulted during the informal grievance process by the Respondent, Grievant or Witness for advice on the Administration of Grievances and for facilitating and coordinating efforts to resolve the dispute.

If a Grievance is lodged against a Grievance Coordinator then the Grievance Coordinator's immediate supervisor will name an alternative Administrative staff member to serve as the Grievance Coordinator for that specific matter.

Staff Members

Under this Administration of Grievances, Staff Members mean all SSTVET Staff Members including professional staff, general support staff, and international staff who have signed an employment contract with SSTVET; including all TVED and college staff and officers.

Immediate Manager/Immediate Supervisor/Deputy Team Leader/Unit Head

The Immediate Supervisor is the person to whom the Staff Member or Grievant directly reports according to the section line of command.

Line Manager/Team Leader/College Deputy Head

The Line Manager is the person in charge of overall project and its Staff Members at each level through their Immediate Supervisors.

Chair of the Grievance Panel/Project Manager/Deputy Project Director/ College Director

In charge of SSTVET implementation at central and college levels.

Evidence/Burden of Proof

A staff member who files a Grievance has the burden of proving, based on the strength of the evidence, that he/she has been wronged. If at the conclusion of the Grievance Hearing or Appeal, the Grievant fails to meet this burden, then the finding shall be in the Respondent's favor.

Confidentiality

To the extent possible, strict confidentiality will be maintained by all parties regarding all matters related to the Grievance, either informal or formal. In the case of all Grievances, in particular where there is a Respondent involved, the Grievant and Respondent's Line Managers will be notified.

3. Applicability

The Administration of Grievances applies to all SSTVET implementors, players and stakeholders based on Laotian labor laws. All SSTVET Staff Members, including those at management levels, are responsible for compliance with the Administration of Grievance.

The Administration of Grievances applies to all SSTVET stakeholder and prime movers.

4. Principles

The Administration of Grievances aims to resolve complaints/disputes which cannot be resolved through the normal process of reasoned discussion. This describes how an SSTVET project member can raise a Grievance, proceed,

and have it settled with the expectation that every effort will be made to achieve a mutually satisfactory outcome. Individuals attempting to resolve disputes should seek appropriate assistance from their supervisor, the Grievance Coordinator, or any other person of choice by the parties involved.

4.2 The Administration of Grievances is written to ensure that:

- all Staff Members are treated fairly and reasonably;
- all cases are treated uniformly by SSTVET management;
- all individuals and circumstances are dealt with confidentiality;
- Impartiality is maintained at all times; and
- confidentiality is maintained at all times.

4.4 SSTVET Consultants, Officers and Staff at all levels must attempt to settle a Grievance using the Informal Procedures, which should occur in good faith, before a Formal Procedure is filed. SSTVET Consultants, Officers and Staff Members at all levels have a fundamental responsibility to resolve internal disputes by taking appropriate, prompt, and fair action.

4.5 SSTVET retains the right to make a final decision in any matters pertaining to disciplinary action or contract termination of individuals, subject to any necessary procedural requirements that must be followed under the Laotian Labor Laws, as applicable. SSTVET reserves the right to restrict use of the Administration of Grievances in any circumstance where it appears the Administration of Grievances is being used to harass Staff Members.

4.6 If any unsettled Grievance is not appealed by the Staff Member to the next step of the grievance procedures within the time limit prescribed it will be considered settled on the basis of the last decision and will not be subject to further appeal or consideration.

4.7 During the processing of a Grievance, a Staff Member is on duty as usual. Suspension from duties will be considered under the sole discretion of the Project Director of TVED.

4.8 Records at a grievance procedure, whether informal or formal, must be kept detailing the nature of the Grievance raised, the response to the Grievance, actions taken, and the reason for such action. These records will be kept in accordance with the SSVET Code of Conduct which requires the confidentiality of personal information.

The release of certain data to individuals may be made upon written request with the approval of the Project Director only.

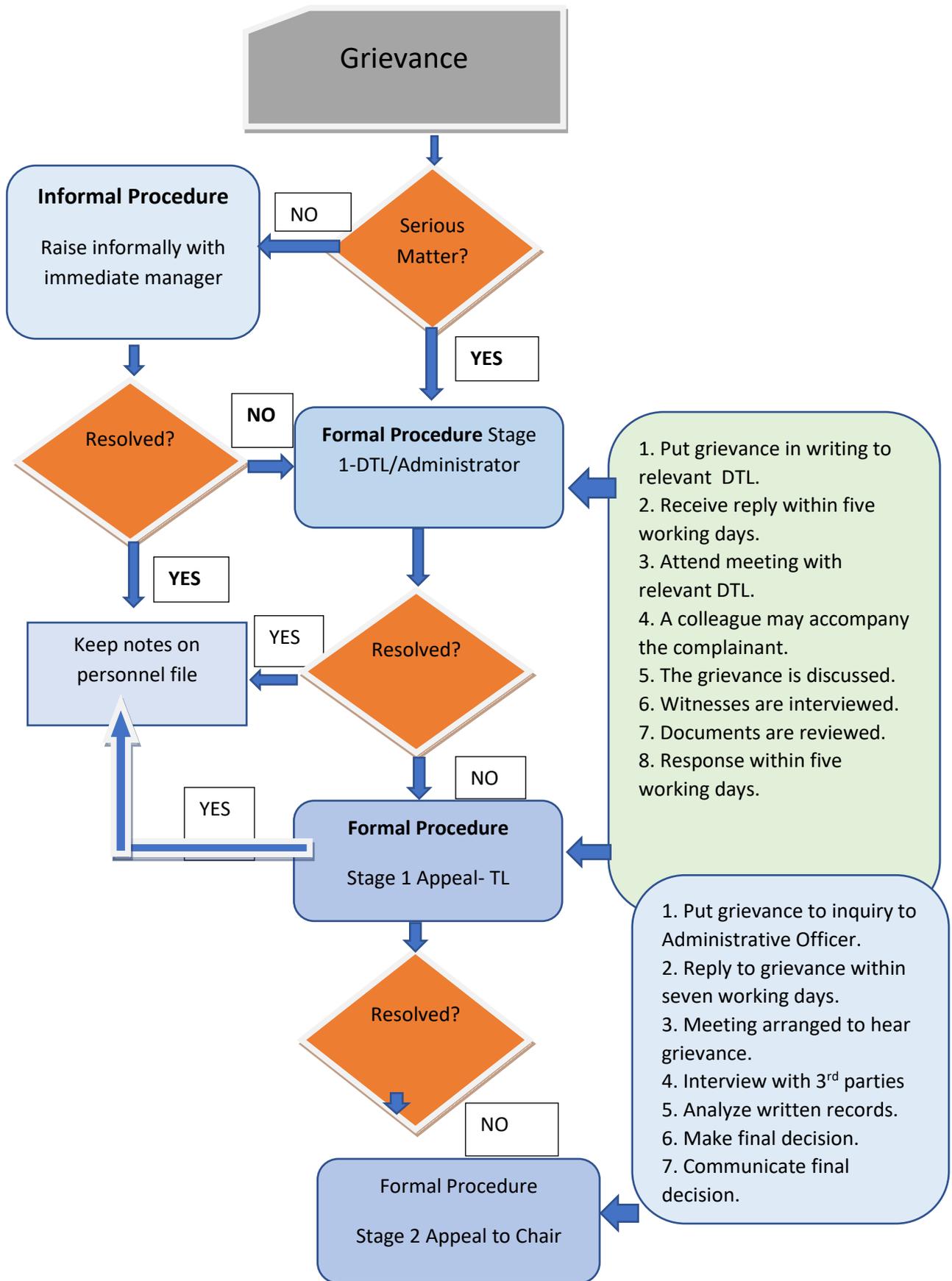
4.9 Before pursuing a Grievance, advice may be sought from the Grievance Coordinator Manager on any aspect of the Administration of Grievances. The Grievance Coordinator will be available to discuss alternative solutions where it is felt that the complaint can be resolved in a more effective manner.

5. Steps and Procedures

5.1 Below is a diagram of the simple procedural steps to administer grievance related to the implementation of SSTVET. While the diagram is mostly for SSTVET consultants, the same may be applied among TVED and college staff.

5.2 In all cases, staff members are reminded that it is a fundamental responsibility of each and every manager (TL/DTL) and consulting staff member to address and resolve differences and conflicts, in the interest of SSVET, its goals and its values. Therefore, in every case, the following steps must be taken. These steps are normally effective. A formal grievance should be a rare occurrence.

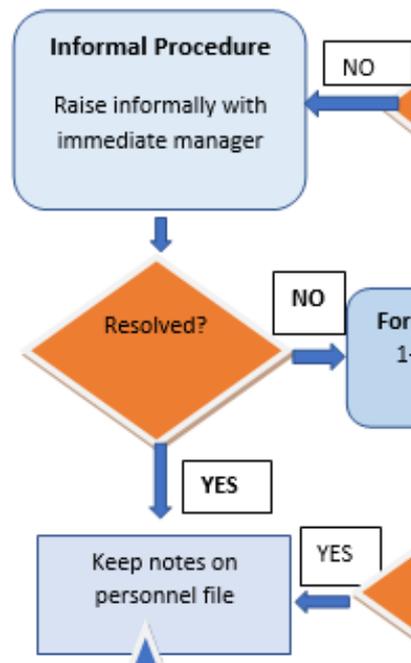
Grievance Administration Diagram



Procedural Steps

Steps: Informal Procedures

5.3 An informal procedure will involve raising the grievance with the immediate supervisor/manager, and in SSTVET case, the Deputy Team Leaders. Per the diagram on the right, the DTL may attempt to resolve the complaint through a meeting. This can be done by talking directly, politely, honestly, and objectively to the Respondent. It may be sufficient to explain clearly to the Respondent the nature of the Grievance and how it interferes with the Grievant's work. The immediate supervisor will attempt to resolve the issue fairly and objectively. If the immediate supervisor/manager is successful in resolving the issue, s/he will have to keep note of the incident.

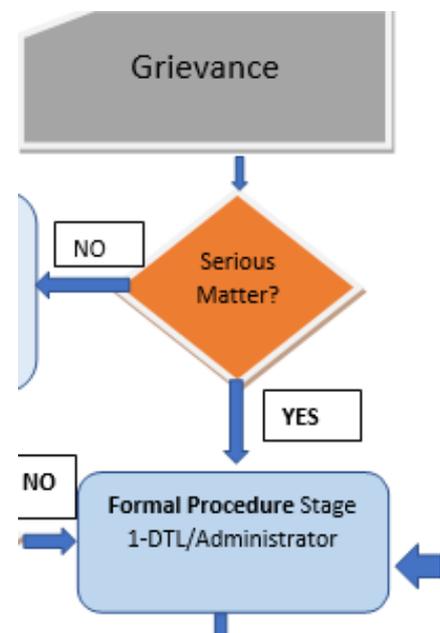


5.4 This is the best way to solve a grievance, however, if a solution cannot be achieved, formal procedures may be opted.

Steps: Formal Procedures

Formal Procedure Stage 1

5.5 If the grievance complaint is a serious matter and cannot be resolved informally, the grievant can put grievance in writing to the relevant DTL/Immediate Manager or Supervisor/Administrator who will have to share it to the Grievance Coordinator. This must be received within 5 working days after the incident being reported. Then, the grievant and the respondent must meet with the DTL. A colleague to act as witness may accompany the complainant/grievant. Witnesses are interviewed and documents reviewed by the DTL and the Grievance Coordinator. The response must be made within 5 days.

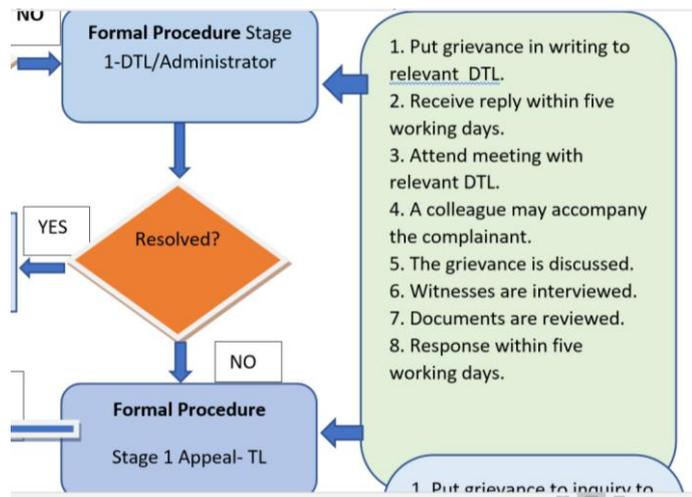


5.6 If the grievant is unhappy with the resolution of the case by the DTL, s/he may appeal the case through the Team Leader. The same procedure done by DTL will be followed by the TL.

5.7 The Grievant has the obligation to adequately and fully inform the Respondent of the problem and what he/she considers to be a satisfactory solution. The Respondent, in turn, has the obligation to consider the matter seriously and to

answer issues as promptly as possible, yet not with undeliberated haste. Both parties have the obligation to act in good faith.

5.8 In exceptional circumstances, where the Grievant does not feel comfortable speaking with the Respondent directly about his/her grievance (as in matters of abuse of authority or sexual harassment), the Grievant may proceed directly to filing a formal complaint and request a meeting with his/her supervisor to discuss the Grievance.



5.9 This step must be undertaken within five (5) working days after the meeting with the Respondent.

5.10 A meeting to discuss the Grievance must be held within five (5) working days of the Grievant's notification to the Immediate Supervisor.

5.11 Minutes of the meeting including the nature of Grievance raised, response to the Grievance, action taken, the reason for such action, and timeline must be recorded. One copy of the minutes of the meeting will be kept with each Immediate Supervisor and a copy given to the Grievant and the Respondent.

Stage 2 Appeal

5.12 If, after any action to resolve the Grievance taken by the Immediate Supervisor, the Grievant is still dissatisfied, he/she can proceed to raising the issue to his/her Line Manager (Team Leader in the case of SSTVET staff consultants; Deputy Director General in case of TVED staff and Deputy College Director in case of the colleges) who will file a report with the Grievance Administrator. In the case that the Line Manager is an Immediate Supervisor of the Grievant, the Grievant must raise the issue with the next level supervisor, Project Manager.

5.14 The Grievant must request a meeting with the Line Manager within five (5) working days of the conclusion of the case in writing to resolve the issue. Minutes of the meeting with the Immediate Supervisor will be sent to the Line Manager for consideration. The meeting must be organized within five (5) working days from the date the Grievant requests the meeting.

5.15 The Line Manager of both the Grievant and Respondent will be responsible for organizing a meeting and calling in the parties involved to discuss the issue and resolve the Grievance.

5.16 Minutes of the meeting, including the nature of Grievance raised, response to

the Grievance, decision made, action taken, the reason for such action, and timelines, must be recorded. Minutes of the meeting will be kept by each Line Manager and a copy will be given to the Grievant and the Respondent. Minutes of the meeting must be agreed and signed by the parties involved at the meeting.

5.17 If the result from this approach is unsatisfactory despite the best efforts of the Line Manager to resolve the Grievance, the Grievant can proceed to filing a Stage 2 Appeal to the Project Manager or the TVED Deputy Director General in the case of TVED staff and SSTVET consultants or the College Director in the case of the colleges.

5.18 In the event that the Grievant does not proceed with this step within ten (10) working days of the conclusion of the meeting with the Line Manager, the Grievance will be considered settled on the basis of the last decision and will not be subject to further appeal or consideration.

Stage 2 Appeal

5.19 Prior to filing a Stage 2 Appeal, a Grievant must ensure that he/she has attempted to resolve the complaint informally with his/her Immediate Supervisor and Line Manager.

5.20 Once a Stage 2 Appeal is formally filed, a Grievance Hearing Panel (composed of the Project Manager (PM)/Chair, Immediate Supervisor and the Grievance Coordinator (Administrative Officer of TVED) will be set up and a Grievance will be fully and formally investigated by the Panel. Confidentiality will be maintained as far as possible and the investigation will be handled with due respect for the rights of all parties. Every effort will be made to resolve the Grievance quickly.

5.21 The guidelines set out below are designed to ensure that the Statement of Grievance written for a Grievance Hearing Panel clearly identifies the issues. A Statement of Grievance, when made, must include the following information:

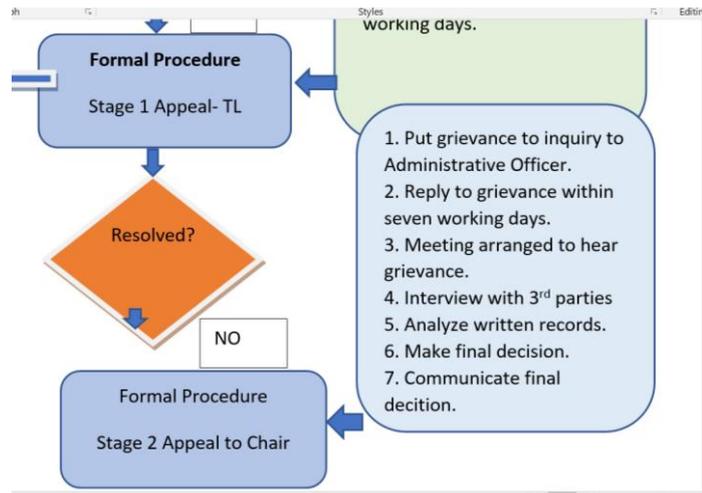
1. Date the Statement of Grievance is submitted to the Grievance Coordinator;
2. Grievant's full name, job title, project/section;
3. Details of the Grievant's Immediate Supervisor and Line Manager;
4. Detailed nature of the Grievance including the name of the Respondent (s), and parties involved;
5. A summary of the steps taken under the Informal Procedures including the matters discussed, responses to the Grievance, actions taken, decision made, reason for such decision, the Grievant's reasons for being dissatisfied with the Informal Procedures, and the Grievant's suggestions on how to resolve the matter;
6. All facts/documents related to the Grievance;
7. Evidence;

8. Witness(es)'s details; and
9. Minutes from previous meetings related to the Grievant.

5.22 SSTVET will not consider a Grievance unless it is in writing containing the details set out above.

5.23 The Project Manager (SSVET) or Deputy Director (TVED) or College Director (Colleges) will put grievance to inquiry of the Administrative Officer/Grievance Coordinator.

The grievance hearing panel will be organized. Meeting with other panel members as stated above will be arranged to hear grievance. Investigation of the case will involve interview of 3rd parties involved and the analysis of written records and evidences presented. The panel headed by the Project Manager will make final decision with seven days and will communicate the panel decision immediately.



5.24 The Chairperson of the Grievance Hearing Panel will prepare a written report summarizing the Panel's finding. The report will contain the Panel's conclusion on each issue identified in the Statement of Grievance as well as the Panel's recommendations for corrective action, if any. The report must be signed by all members of the Panel.

5.25 The Grievant, Respondent(s), and Witness(es) will be called to hear the decision of the Grievance Hearing Panel. The written report will then be submitted to the Project Director/TVED Director General.

5.26 If the Grievant feels that he/she has not received a satisfactory outcome to his/her Grievance, he/she can appeal the decision. The appeal must be made within ten (10) working days of the issuance of the report of the Grievance Hearing Panel. If the appeal is not submitted within this timeframe, the Grievance will be considered settled on the basis of the decision of the Grievance Hearing Panel and not subject to further appeal or consideration.

5.27 Upon receipt of another appeal from the Grievant, the Panel review its decision and forward the matter to the MOES Minister.

Grievance Resolution Form

As much as possible, informal resolution of grievances must be achieved. However, if formal complaints are unavoidable, the Grievant must accomplish this Form to load a Formal complaint.

Grievant or Grievant Group Information Form

Contact Information

Prefix_____ First Name _____ Last Name_____

Work Phone Number _____ Work Email Address_____

Office/Campus Location_____

Street/Mailing Address_____

If Grievant Group, Additional Participants

Grievance Group Contact Number

Informal Resolution

Have you attempted to resolve the issue informally (i.e. discussed with your immediate supervisor).

_____YES NO_____

Attachment: Statement of Grievance

Statement of Grievance

A Statement of Grievance, when made, must include the following information:

1. Date the Statement of Grievance is submitted to the Grievance Coordinator;
2. Grievant's full name, job title, project/section;
3. Details of the Grievant's Immediate Supervisor and Line Manager;
4. Detailed nature of the Grievance including the name of the Respondent (s), and parties involved;
5. A summary of the steps taken under the Informal Procedures including the matters discussed, responses to the Grievance, actions taken, decision made, reason for such decision, the Grievant's reasons for being dissatisfied with the Informal Procedures, and the Grievant's suggestions on how to resolve the matter;
6. All facts/documents related to the Grievance;
7. Evidence;
8. Witness(es)'s details; and
9. Minutes from previous meetings related to the Grievant.