



TESLIN TLINGIT COUNCIL

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**CITIZEN / GENERAL  
PUBLIC  
COMPLAINT  
PROCESS POLICY**

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Version 1.0 December 2015



## 1. PURPOSE

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The employees of the Teslin Tlingit Council are public servants and as such, their role is to provide service to the people who reside within their jurisdiction and those who have rights to services through various treaties and agreements. They have a responsibility to provide services that meet the needs of the People at a level that is satisfactory and in a respectful manner.

*The doctrine of Ha Kas Teyea teaches us to try and resolve conflict as quickly as possible in order to restore balance. This process is offered as an aid to those who feel a wrong has occurred and who wish to pursue resolution of the matter.*

## 2. PROCESS

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2.1 Why do we need this process?

1. To provide a means for Citizens/General Public to bring forward problems and complaints concerning services that they receive from TTC.
2. To provide a means for Citizens/General Public to bring forward problems and complaints regarding the actions and/or decisions of TTC employees that directly impacts the complainant.
3. To resolve issues related to the level of services received quickly and fairly.
4. To resolve any disagreements regarding delivery of services.
5. To limit the number of people involved in the complaint to protect confidentiality.
6. To avoid litigation.

2.2 This Process is only in relation to a Citizen/General Public with a complaint against individual TTC employees actions and/or decisions that directly impact the complainant. For appeals of official decisions by official TTC Committees and Bodies then each of these has their own specific appeal process that must be followed.

## 3. PROCEDURE

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3.1 A Citizen/General Public who feels s/he has experienced rude or disrespectful treatment by an employee of TTC, or feels that the service(s) they have received or the level of workmanship delivered is less than satisfactory has the right to submit a complaint to the supervisor of the employee involved.

3.2 The grievance process is available to all Citizens/General Public as a matter of right. Complaints of a malicious or vexatious nature may be cause for action against the complainant by initiating the Harassment Policy (13.2).

3.3 In the case where a Citizen/General Public may be incapable of providing a written complaint, s/he, accompanied by a support person of their choosing, may submit the matter verbally to the supervisor of the employee concerned. The supervisor will meet with the complainant and the support person accompanying him/her to receive the complaint. The supervisor may have the assistance of another employee or Director as s/he feels necessary.

3.4 Conflict between employees and Citizens/General Public is to be identified and resolved as soon as possible. The Supervisor of the involved employee(s) has a duty to act and initiate this process if either party refuses to.

#### **4. STAGE ONE: CONFLICT RESOLUTION**

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4.1 To initiate Stage One of the grievance process the complaint does not have to be submitted in writing; it can be accepted verbally by the Supervisor.

4.2 All parties have to first agree to Stage One conflict resolution and/or mediation. If all parties do not agree to enter into Stage One then it may proceed directly to Stage Two. Also, if the grievance is of a serious nature then it may proceed directly to Stage Two.)

#### **PROCEDURE**

Step 1 - the employee and Citizen/General Public in conflict will be required to attempt to resolve the problem together in private if possible.

Step 2 - if resolution is not achieved in step one, the Supervisor with the assistance of the Director of Work Force Development will attempt to mediate the dispute with the assistance of a trained mediator if required. Both parties must agree upon who the mediator will be.

If both parties resolve their conflict then an agreement will be signed by both and witnessed by the Supervisor who will follow up to ensure that the conditions are implemented.

Step 3 - if step 2 does not result in resolution and/or the conflict is disruptive to the workplace; then Stage Two may be initiated. To begin this process the complainant will have to submit a written complaint.

#### **5. STAGE TWO:**

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5.1 If “the complainant” is not satisfied that the issue is resolved, they may submit the matter in writing to the staff member’s Director.

5.2 The Staff members’ Director with the assistance of the Director of WFD will conduct an investigation and attempt to resolve the matter.

5.3 The investigation will include documenting all the facts through taking statements from the complainant and any witnesses if applicable, reviewing the work done to determine whether it meets TTC standards/policy and rendering a decision in writing by the fifteenth working day after the complaint is received.

5.3.1 If this cannot be completed within this time then both parties will be informed by letter that an extension is required.

5.4 The investigation must be completed within 20 working days from receiving the written complaint.

5.5 The Director will notify both parties of their decision in writing. Included with the letter will be a copy of the Citizen/General Public Complaint Policy.

5.6 If the Director has a conflict of interest with either party then the grievance will proceed to Stage Three,

## **6. STAGE THREE:**

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6.1 If “either employee” or “the parties to the complaint” are not satisfied that the issue is resolved, they may submit the matter in writing to the Executive Director who will determine if there are valid grounds for an appeal.

6.2 If there are valid grounds for an appeal, the Executive Director will further investigate the complaint and issue a decision in writing within 15 days of the matter being submitted to this level.

6.2.1 If this cannot be completed within this time then both parties will be informed by letter that an extension is required.

6.3 The investigation must be completed within 20 working days from receiving the written complaint.

6.4 The Executive Director will notify both parties of his/her decision in writing

6.5 If the Executive Director has a conflict of interest with either party then the grievance will proceed to Stage Four

## **7. STAGE FOUR:**

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In a case where the either party wishes to move the matter to arbitration, they may submit the matter to the Administrative Tribunal.

7.1 Upon receipt of a referral from the Executive Director or a letter from either party; and if it is determined there are valid grounds for an appeal then the Administrative Tribunal may review the matter at their next regular hearing and make a ruling.

7.2 When a decision is reached in stages two, three or four the recipient will be notified of their right to appeal and the appeal process in their letter.

7.4 For all complaints made against a Director, the Executive Council will be the interim Stage Four Appeal Body.

**Note:** Until the Administrative Tribunal is fully operational, Management Board will be the Stage Four Appeal Body for all complaints that are not filed against a Director.

## **8. STAGE FIVE:**

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8.1 Upon receipt of a referral from the Administrative Tribunal or a letter from either party; if it is determined there are valid grounds for an appeal then the Peacemaker Court may review the matter at their next regular hearing and make a ruling.

8.2 The Peacemaker Court ruling will be a final and binding decision regarding the complaint.

**Note:** Until the Peacemaker Court assumes its adjudicative authority, Stage Four will be the final Stage of Appeal.

**Notes:**

At any stage of the Complaint Process, both the complainant and defendant may have a support person assisting them with the complaint.

**9. APPEAL**

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9.1 Valid grounds for an appeal are:

- an error in the interpretation of policy
- an error in the application of policy
- new evidence introduced
- the individual who made the decision had an undeclared conflict of interest