

CRFM Operations Manual

Amendment No. 2:

(Amendment of Section 4.1: Human Resource Management and Development to Provide for Appeals to the Caribbean Community Administrative Tribunal [CCAT])

DISPUTE RESOLUTION

The purpose of this section is to provide for staff of the CRFM Secretariat to appeal to the Caribbean Community Administrative Tribunal if the staff believes he or she has been treated in a manner incompatible with his or her terms and conditions of employment.

A. Regulation 4.1.4B - Conflict Resolution

- (1) A staff member who considers that he or she has been treated in a manner incompatible with his or her terms and conditions of employment may file a grievance with the Human Resources department, or other relevant person within the CRFM. The Human Resources department or such other person shall review such grievance and notify the staff member of its reasoned decision within two months of the receipt of the grievance.
- (2) If the staff member disagrees with the decision he or she shall be entitled to file an appeal with the internal appeals body within one month of the notification of the decision. If the CRFM does not have an internal appeals body the staff member shall be entitled to file the appeal with the Executive Director of the CRFM within one month of the notification of the decision.
- (3) The Executive Director of the CRFM shall take a final reasoned decision within two months of the submission of the Report of the internal appeals body, or of the appeal from the staff member, as the case may be, and communicate that decision to the staff member along with a copy of the Report. A copy of the decision shall also be communicated to the appeals body, where such appeals body exists. In the absence of an express decision within this deadline, the appeals body or the Executive Director of the CRFM, as the case may be, shall provide the staff member and the Human Resources department where such a department exists, with a copy of its Report and the staff member shall be entitled to imply an acceptance of the recommendations contained in the Report.
- (4) A staff member shall be entitled to file a complaint against an express or implied decision with the Caribbean Community Administrative Tribunal (CCAT).

B. Regulation 4.1.4C - Caribbean Community Administrative Tribunal

After having exhausted all means available to him or her under CRFM Staff Regulation 4.1.10 (5) on Employee Mediation and Grievance Process, CRFM Operations Manual, and CRFM Staff Regulation 4.1.4B Termination of Employment – Policy and Procedure, Revised Recruitment and Termination Policy and Procedure (May 2013), a staff member shall have the right to appeal to the Caribbean Community Administrative Tribunal (“Tribunal”) in accordance with the conditions set forth in the Statute of that Tribunal.

- (1) Any staff member, or a duly qualified beneficiary or representative of the rights of a deceased member of staff of, but not a person employed by a staff member or a consultant employed to work under a contract of services by an entity external to the CRFM, shall have the right to appeal to the Caribbean Community Administrative Tribunal (Tribunal), which is competent to deal with cases affecting staff members of the CRFM. Such appeals shall be made in accordance with the conditions set forth in the Statute of the Tribunal and in the declaration recognizing the jurisdiction of the Tribunal between CCAT and the CRFM.
- (2) The Tribunal shall be competent to adjudicate upon any complaint, in substance or form, by which a member of the staff of the CRFM alleges the breach of, or non-observance of the contract of employment or terms of appointment of such staff member or of such provisions of the Staff Rules and Regulations.
- (3) No appeal shall be made to the Tribunal before the appeal procedure within the CRFM Staff Rules and Regulations has been exhausted,

Provided that the Executive Director of the CRFM may, in agreement with the staff member, exempt the latter from the obligation to exhaust internal procedures by authorizing him or her to challenge a decision directly before the Caribbean Community Administrative Tribunal.

C. Regulation 4.1.4D - Mediation

Without prejudice to a staff member’s right to file a grievance where such procedure exists the parties shall attempt to solve the problem through dialogue. The parties may agree to the appointment of a mediator, who shall be a judge of the Caribbean Community Administrative Tribunal with whom they shall cooperate in finding an appropriate solution. If a jointly agreed solution is not found within two months of the appointment of such a mediator, the staff member will be entitled to proceed forthwith to file a complaint with the Caribbean Community Administrative Tribunal. The mediator shall not sit as an adjudicator on such complaints unless the Institution and the Staff Member jointly in writing advise their wish for the mediator to sit as adjudicator.