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Office of the Ombudsman

SIG officer employment  
grievances – where  
should you go?

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Solomon Islands

## SIG officer employment grievances – where should you go?

### What about the Trade Disputes Panel?

The Trade Disputes Panel can intervene in SIG officers' employment grievances only where the grievance is not about appointment, dismissal or disciplinary action. Where a trade dispute is referred to the Panel, the Panel can help settle the dispute by negotiation. If the Panel thinks that negotiation will not work, it can make an order known as an 'award' which can then be enforced in the High Court.

### Useful contacts

Solomon Islands Public Employee's Union	
Public Solicitor's Office	Honiara Office PO Box 553 Ph 22348  Gizo Office
Office of the Labour Commissioner	PO Box G26 Ph 26810
Ministry for the Public Service	P O Box G29

Answer 3 – What to do if you think that your problem was caused by a decision of the PSC

When you ask yourself the question ‘who caused my problem?’, you might come to the view that your problem was caused by a decision of the PSC. You might come to this view, for example, if you have received a letter telling you that the PSC has decided to terminate your appointment and you think that this decision is unfair.

If you think that your problem was caused by a decision of the PSC, you can appeal that decision *back* to the PSC for reconsideration. The procedure for making appeals to the PSC was explained above in the ‘Answer 2’ section of this booklet (see paragraph 9).

If you appeal a decision of the PSC back to the PSC for reconsideration and the PSC decides your appeal against you, you may be able to sue the PSC in court. You should get some professional legal advice, however, before choosing to go down this road. You might be able to get this advice from a private lawyer or you can try to get some help from the Solomon Islands Public Employees Union, the Public Solicitor’s Office or the Office of the Labour Commissioner.

Where else can I turn for help?

There are places where you can go to if you need help with any of the processes explained above. The Office of the Labour Commissioner and the Solomon Islands Public Employees’ Union are the best places to turn to. The Public Solicitor’s Office might also be able to give you some advice. You should understand, however, that these bodies are very busy. If you register a case with any of these bodies, you will probably have to wait a long time before they will be able to help you.

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## Introduction

This booklet relates to ‘SIG Officers’ – that is, to officers of the Solomon Islands Government. Under our laws, SIG officers have rights and responsibilities relating to their employment as public officers. Sometimes, an SIG officer might feel that these rights have not been respected by their employer. For example, an officer might feel that they have not received pay that they are entitled to or that they have been unfairly dismissed from their post. SIG officers who feel this way have what is known as an ‘employment-related grievance’.

As you might already know, there is a process that SIG officers with employment-related grievances can follow to bring these grievances to the attention of the right authorities. This booklet explains this process and helps you work out how you can use it to have your grievance addressed. Please note that the information in this booklet applies only to SIG public officers who come under the jurisdiction of the Public Service Commission (PSC). The PSC does not have jurisdiction over:

- judges of the High Court and the Court of Appeal
- the Ombudsman, the Director of Public Prosecutions, the Public Solicitor or the Attorney General
- teachers in primary and secondary schools
- public offices for which a legal qualification is required
- magistrates engaged in full time judicial and related activities
- police officers and correctional services officers, and
- ambassadors, high commissioners other principal SIG representatives to other countries or international institutions.

- e. You should lodge two copies of your written appeal with the Ministry of the Public Service: one copy for the PSC, one copy for the PS, MPS. The best way to lodge the appeal is in person. If you cannot lodge your appeal in person, you should fax it if you can. If you cannot fax it, you should post it.
- f. The written appeal must generally be made no more than 14 days after you were told about the decision of PS, MPS that your appeal concerns. The PSC can give you more time in special circumstances but it cannot give you any more than 3 months.
- g. When you lodge your written appeal, you should try to get a receipt. The receipt should say the name of the officer who received your appeal and the date on which they did this.
- h. You should always keep a copy of your written appeal and of any attachments for yourself.

If you appeal a decision of the PS, MPS to the PSC and the PSC decides your appeal against you, then you may be able to sue the PSC in court. You should get some professional legal advice, however, before choosing to go down this road. You might be able to get this advice from a private lawyer or you can try to get some help from the Solomon Islands Public Employees Union, the Public Solicitor’s Office or the Office of the Labour Commissioner.

## Answer 2 – What to do if you think that your problem was caused by a decision of the PS, MPS

When you ask yourself the question ‘who caused my problem?’, you might come to the view that your problem was caused by a decision of the PS, MPS. You might come to this view, for example, if:

- the PS, MPS took disciplinary action against you think this action is unfair; or,
- you have lodged a written complaint with the PS, MPS as described above but you are unhappy about how the PS, MPS has dealt with the complaint.

If you think that your problem was caused by a decision of the PS, MPS, you can appeal this decision to the PSC as follows:

- a. The appeal should be made in writing and you should address it to the Chairman, Public Service Commission and cc’d to the PS, MPS.
- b. Your written appeal should set out, in detail, why you think that the decision taken by the PS, MPS is unfair. If something has delayed you in making the appeal, you should explain the delay in the written appeal itself. You could say, for example, ‘I could not lodge an appeal earlier because I was sick’, and so forth.
- c. You should make sure that your written appeal states your phone-number.
- d. You should attach any relevant supporting documents to your written appeal.

You will find, at the end of this booklet, a list of contact details for various relevant bodies.

## Where to begin?

If you are a SIG public officer with an employment-related grievance, you should first ask yourself: *who has caused my problem?*

When you ask yourself this question, you should consider which of the following 3 answers best fits your case:

### EMPLOYEE GRIEVANCE AND REDRESSAL



- **Answer 1:** My problem was not caused by the PSC or by the Permanent Secretary, Ministry of the Public Service (the PS, MPS). My problem was caused by somebody else.
- **Answer 2:** My problem was caused by a decision taken by the PS, MPS.
- **Answer 3:** My problem was caused by a decision taken by the PSC.

## Answer 1 – What to do if you think that your problem was caused by a person or a body other than the PSC and the PS, MPS

When you ask yourself the question ‘who has caused my problem?’, you might come to the view that your problem was not caused by the PSC or by the PS, MPS. Your problem might lie, for example, with your Director or with the Permanent Secretary of the Ministry where you work.

If your problem was not caused by the PSC or by the PS, MPS, then you should make a written complaint to the PS, MPS about your problem. The process for doing this is as follows:



- a. You should address your written complaint to the PS, MPS.
- b. You should cc your written complaint to the head of the agency in which you work. If you work at a *Ministry*, then you should cc your written complaint to the Ministry’s Permanent Secretary. If you are the principal of a school that is administered by the SIG, you should cc your written complaint to the Chief Education Officer of the Ministry of Education and Human Resource Development.
- c. Your written complaint should set out, in detail, why you think that you have been unfairly treated. If something has delayed you in making the written complaint, you should explain this in the written complaint itself. You might write, for example, ‘I could not make a complaint earlier because I was sick’. You might also write ‘I

did not make a complaint earlier because I had lodged a complaint with the Ombudsman’s Office and was waiting for them to get back to me’.

- d. You should state your phone number in your written complaint. This will make it easier to contact you.
- e. You should attach copies of any relevant documents to your written complaint (for example, your letter of appointment).
- f. You should lodge your written complaint with the Ministry of the Public Service and you should also lodge a copy with the agency where you are working. The best way to do this is in person – that way, you can be sure that your complaint has in fact been received. If you cannot lodge your complaint in person, you should fax it if you can. If you cannot fax it, you should post it.
- g. When you lodge your complaint, you should try to get a receipt from the officer who receives it. The receipt should say the receiving officer’s name and the date on which he or she received your complaint.
- h. You should always keep a copy of your written complaint and of any attachments for yourself.

When you lodge your written complaint with the Ministry of Public Service, you can expect the PS, MPS to make a decision on your matter within a reasonable time-frame. If the PS, MPS makes a decision on your complaint that goes against you, you can appeal this to the PSC as explained in the next section of this booklet.