



Office of the Ombudsman

Teacher employment grievances – where should you go?

Contact the Ombudsman Office

P. O. Box 535,
Honiara, Solomon Islands
Phone: (677) 21855/21856
Fax: (677) 28626
Email: oosi@ombudsman.gov.sb

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Teacher employment grievances – where should you go?

Education Authorities (Provincial)	Telephone (+677)
Malaita Province	7841481
Renbel Province	7595219
Temotu Province	53007
Western Province	7716744
Education Authorities (Church)	Telephone (+677)
Church of Melanesia	27004
Arch Diocese of Honiara	7488884
Christian Outreach Centre	39150/7482567
Church of Nazarene	26474
Church of Living Word	21950
Diocese of Auki	40130
Diocese of Gizo	60130
Salesians of Don Bosco	36555
Seventh Day Adventist Church	38867
South Seas Evangelical Church	20408/2201
United Church	7442114
Education Authorities (Private)	Telephone (+677)
Chinese Association	22460
Honiara International	30186
Kelyn	7459256
Perch Christian Academy	7479345
Solomon Island Red Cross	22682/21122
Tamlan	26001

Public Solicitor's Office	Auki Office Auki Magistrates' Court PO Box 44 Phone 40229 Fax 40230
Ministry of Education and Human Resource Development, Teaching Service Office	PO Box G28 Phone 28803
Office of the Labour Commissioner	The Commissioner of Labour Labour Division Ministry of Commerce, Industry, Labour and Immigration PO Box G23 Phone 25081 Auki Office Phone 40123
Ministry for the Public Service	P O Box G29 Phone 25550
Education Authorities (Provincial)	Telephone (+677)
Central Province	7484308
Choiseul Province	63174/63173
Guadalcanal Province	7479566
Honiara City Council	7466909
Isabel Province	35092
Makira / Ulawa Province	50257/50128

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Introduction

Under our laws, school-teachers have certain rights and responsibilities relating to their employment as school-teachers. If you are a school-teacher, you might sometimes think that your boss has not respected your employment rights. For example, you might think that you have not been paid properly or that you have been unfairly dismissed from your post. If you feel this way, you have an *employment-related grievance*.

As you might already know, there is a proper process that teachers with employment-related grievances should follow to have these grievances dealt with. This book explains this process and helps you work out how you can use it to bring your grievance to the right authorities. You will find, at the very end, a list of contact details for Education Authorities, the Teaching Service Office and other relevant bodies.



What is the process that a teacher should follow?

There is a proper process that teachers with employment-related grievances should follow to have these grievances heard by the right authorities.

This process is a bit like a bus route with several stops along the way and with a different person working near each that bus-stop. The idea is that, at each bus-stop, the teacher gets off the bus and goes to see the person who works there. If that person does not solve the teacher's problem, then the teacher gets back on the bus and goes to the next stop.

appeal or your complaint to the Commission and you think that this is unfair, you should contact the Office of the Labour Commissioner about this.

When you catch the bus somewhere, you can also expect the driver to drive reasonably quickly. So too, once you lodge a complaint with the Teaching Service Commission, you can expect the Commission to make a decision on your complaint/appeal reasonably quickly. If you think that the Commission is taking too long to make a decision, you should contact the Teaching Service Office to check what is happening. If you are not happy with the explanation that the Teaching Service Office gives you, you can contact the Office of the Labour Commissioner about this.

Useful contacts

Solomon Islands National Teachers Association	PO Box 967 Honiara Phone 22826 Fax 24997
Public Solicitor's Office	Honiara Office (Head Office) First Floor Lili Building Mendana Avenue PO Box 553 Phone 22348 / 28406 / 28404 / 28405 Fax 28409 Gizo Office Next to Gizo Magistrates' Court PO Box 84 Phone 60682 Fax 60684

What should I do if the Teaching Service Office is not letting me on the bus?

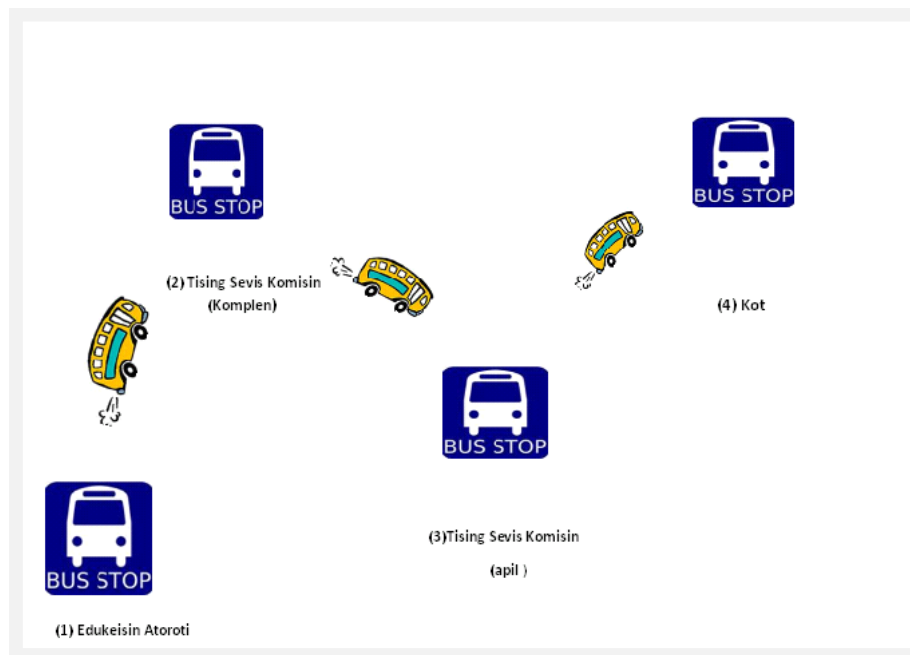
When you travel the bus-route between Stops 2 and Stop 3, the Teaching Service Office works sort of like the bus-driver and the conductor:

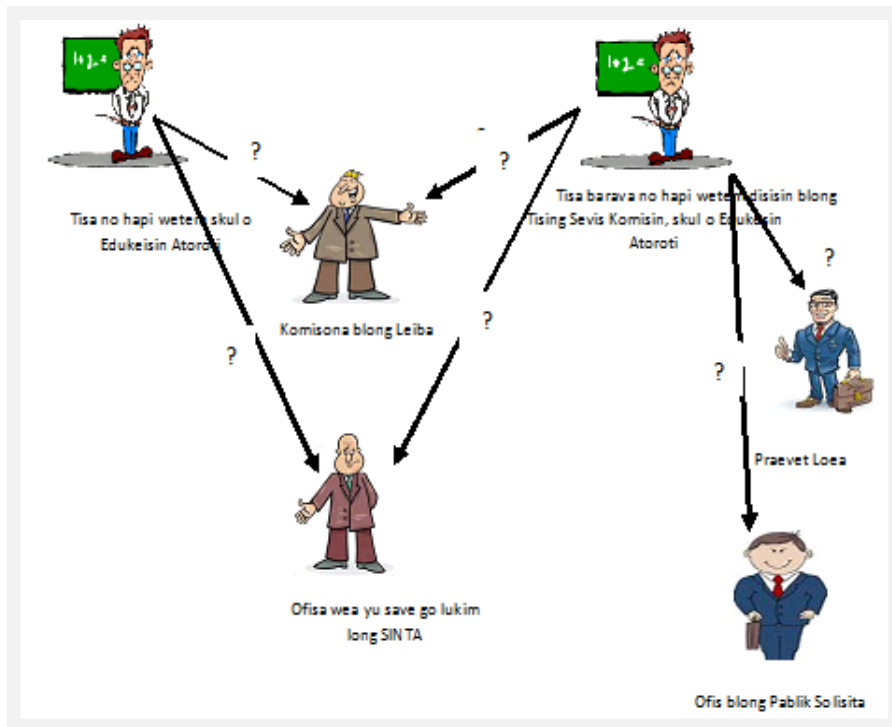
- a. Suppose that you want to go to from Stop 1 to Stop 2. You need to lodge a complaint at the Teaching Service Office for the Teaching Service Commission to consider. When you go to lodge your complaint at the Teaching Service Office, this is sort of like paying your bus-fare to the conductor and asking him to take you to Stop 2.
- b. Suppose that you want to go to from Stop 2 to Stop 3. You need to lodge an appeal, at the Teaching Service Office, asking for the Teaching Service Commission to reconsider its earlier decision. When you go to lodge your appeal at the Teaching Service Office, this is sort of like paying your bus-fare to the conductor and asking him to take you to Stop 3.

When you get on the bus and you are ready to pay the right fare, you can expect the conductor to let you on the bus and for the driver to take you to the next stop. So too, when you go to lodge a complaint or an appeal with the Teaching Service Commission, if you have followed the right procedure, you can expect the Teaching Service Office to accept your complaint/appeal. But sometimes the Teaching Service Office might refuse to accept your appeal or your complaint. They might tell you, for example, that you have brought your complaint or your appeal too late. This is sort of like the conductor saying: 'sorry, you can't get on, you don't have the right fare'. If the Teaching Service Office is refusing to present your

The Solomon Islands National Teacher's Association (SINTA), the Office of the Labour Commissioner and the Public Solicitor's Officer can sometimes help teachers travelling along this bus-route. These 3 bodies are sort of like information booths that teachers can turn to for help and advice if they get lost along the way. But turning to these 3 bodies can take a long time because they always have very long queues in front of them. It is quicker to run through the bus-route process *iu seleva* and you should try to do this if you think you can.

You will find, below, information about each one of the stops on the teacher employment grievance bus-route. There are 4 stops altogether.





Stop 1 – Education Authority

If you are a school teacher and you have an employment-related grievance, you should start by making a written complaint about this to your Education Authority. This is Stop 1.

If you decide to make a written complaint to your Authority, you should keep the following points in mind:

- Your written complaint should set out in detail why you think that you have been unfairly treated.
- You should attach copies of any relevant documents to your complaint (for example, your letter of appointment).

- Answer 1 – Teaching Service Commission:** Your problem may have been caused by the Teaching Service Commission. This would be the case, for example, if you had received a letter telling you that the Commission has decided to terminate your teaching contract. If your grievance was caused by the Teaching Service Commission, unless you have already done this, you should get on the bus at Stop 2 and go to Stop 3 by appealing back to the Commission for it to reconsider its first decision. If you have already tried to make this appeal but the Commission rejected your appeal, you can get on at Stop 3 and go to Stop 4 by suing the Commission in court. But you really should get some legal advice before you decide to do this.
- Answer 2 – Not the Teaching Service Commission:** Your problem may have been caused by a person or a body other than the Teaching Service Commission. This would be the case, for example, if your Education Authority had posted you to a place that you do not like. If your problem has not been caused by a decision of the Teaching Service Commission, unless you have already done this, you should take the bus to Stop 1 by lodging a written complaint with your Education Authority and providing a copy of this to the Permanent Secretary, Ministry of Public Service. If you already have lodged a written complaint with your Education Authority, you can get on at Stop 1 and go to Stop 2 by making a written complaint to the Teaching Service Commission.

If the Teaching Service Commission accepts your appeal and changes its earlier decision, then you're done and there is no need to get back on the grievance bus. But if you are unhappy about the way Commission handles your appeal, you can get back on the bus and go to Stop 4.

Stop 4 – Court (end of the line)

At Stop 4, you sue the teaching Service Commission in court. This is the end of the grievance bus line.

If you are thinking about suing the Commission in court, you should first get some advice from a lawyer about this. Courts are expensive and complicated and you will not know how to handle them yourself. You can get advice from a private lawyer or you can try contacting SINTA, the Office of the Labour Commissioner



So how can I use the bus-route process to have my grievance heard?

To work out how you can use the bus-route process to have your grievance heard, you should first ask yourself: *'who caused the problem that I am now unhappy about?'* This is sort of like asking 'which of the 4 stops should I go to catch the bus from?' There are 2 answers to this question:

- c. Your written complaint should state your phone number. This will make it easier to contact you.
- d. You should write in your complaint that you will send a copy of the complaint to the Permanent Secretary, Ministry of the Public Service (you will find some more information about this below).
- e. If the matter you are complaining of happened a long time ago (more than 1 month), your written complain should explain why this delay happened. You might put, for example, 'I could not come to make a complaint to the Authority earlier because I was sick'. Or you might write 'I did not come to make a complaint to the Authority earlier because I had lodged a complaint with the Ombudsman's Office and was waiting for them to get back to me'.
- f. Before you go to lodge your written complaint, you should try to check with your Education Authority who you should lodge the complaint with. It is a good idea to ring the Education Authority and ask them about this if you can.
 - If the your school is run by a provincial government Education Authority or by Honiara City Council, you should lodge your written complaint with the Principal Education Officer for your region. So, if you work for Malaita Education Authority, Northern Region, for example, you should lodge your written complaint with the Principal Education Officer for the Northern Region.

- If your school is run by a private Education Authority or by a church Education Authority, you should lodge your written complaint with the Authority's Education Secretary.
- Some schools, like King George VI, are run by the Solomon Islands Ministry of Education and Human Resources Development. If you work at this kind of school, you should lodge your written complaint with the Ministry's Chief Education Officer.

- The best way to lodge your written complaint is in person. That way, you can be sure that your complaint has 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.
- When you lodge your written complaint with your Education Authority, you should try to get a receipt from officer who receives your complaint. The receipt should say the receiving officer's name and the date on which your complaint was received.
- You must always keep a copy of your written complaint for yourself!
- After you have lodged your written complaint with the Education Authority, you should also give a copy of the complaint to Permanent Secretary, Ministry of the Public Service.

- You must make your appeal in writing and you must address it to the Director,



- Teaching Service Office, Ministry of Education and Human Resource Development.
- Your written appeal must clearly explain why you think that the Commission's first decision was unfair.
- Your written appeal should state your phone number.
- If something has delayed you in making the written appeal, you should explain the delay in the written appeal letter itself (for example, 'I was sick').
- You should attach any relevant documents to your written appeal. It is a good idea to attach copies of any letters you received from the Commission before.
- You should lodge your written appeal with the Teaching Service Office. You can do this in person, by fax or by post, but the best way is in person. If you cannot lodge the appeal in person, it is better to fax it than to post it.
- When you lodge your written appeal, you should try to get a receipt which says the date on which your appeal was received and the name of the receiving officer.
- You must keep a copy of your written appeal and of any attachments for yourself.

- h) You must keep a copy of your written complaint to the Commission for yourself.

Where the Teaching Service Commission solves your complaint, you're done and there's no need to take back on the grievance bus. But if you are not happy with how the Commission handled your complaint, it's time to get back on the grievance bus and go to Stop 3. A lawyer would say that you have now been 'aggrieved by a decision of the Commission'.

Stop 3 – appeal back to the Commis-

If you have been aggrieved by a decision of the Teaching Service Commission, you can appeal back to the Commission and ask it to reconsider its decision. This is Stop 3.



The Commission will only consider your appeal if you have new evidence or some other good reason for asking the Commission to reconsider its earlier decision. Further, you must lodge the appeal within **3 months** of having been told about the Commission's first decision.

If you decide to lodge an appeal with the Commission, it is a good idea to try to get some help from a lawyer. You can hire a private lawyer or you can try to get some help from SINTA, the Office of the Labour Commissioner or the Public Solicitor's Office.

The process for lodging an appeal with the Commission at Stop 3 is very similar to process for making a complaint to the Commission at Stop 2:

The Ministry of the Public Service is interested in ensuring that Education Authorities do their jobs properly and has ways of making them do this! The best way to give a copy of your complaint to the Ministry is to bring it to them in person. If you cannot bring a copy of your complaint to the Ministry in person, you should fax it to them if you can. If you cannot fax it, you can post it.

Once you have lodged your written complaint with your Education Authority, the Authority must take action within 30 days of having received your complaint. If the Authority solves your problem during this time, then you are done and you don't need to get back on the grievance bus! But you might find that, after you lodge your written complaint with your Education Authority, 30 days go by and nothing happens. Or you might find that the Education Authority makes a decision about your complaint that you are not happy with. If you have lodge a written complaint with your Education Authority but the authority does not solve your problem within 30 days, you should get back on the grievance bus and go to Stop 2.

Stop 2 – Teaching Service Commission

If you have lodged a written complaint with your Education Authority but the authority has not solved your problem within 30 days, you can make a further written complaint about this to the Teaching Service Commission. You can also do this if the Education Authority has made a decision about your complaint that you are not happy with. Making a written complaint to the Teaching Service Commission is Stop 2 on the teacher employment grievance bus-route.



If you don't know what your Education Authority is doing about the written complaint you gave them, it is a good idea to first get in touch with them and ask them what is happening. You should also get in touch with any other bodies that you think might be dealing with your case. For example:

- If you made a copy of your written complaint to your Education Authority and gave this to the Ministry of the Public Service, you should call the Ministry and ask them what they are doing about your matter.
- If you have made a complaint to the Office of the Commissioner for Labour, you should call the Office and ask them what they are doing about your matter.

When you speak to your Education Authority and to these other bodies, you might find that someone is actually doing something to fix your problem. In this case, you might like to wait a little bit before making a further complaint to the Teaching Service Commission. But it probably is not a good idea to wait for more than 2 or 3 months.

If you decide to take the bus to Stop 2 and to lodge a written complaint to the Teaching Service Commission, you should keep the following points in mind:



- a) You should address your written complaint to the Director, Teaching Service Office, Ministry of Education and Human Resource Development.
- b) Your written complaint should clearly explain why you think that your Education Authority has not acted fairly.
- c) It is also a good idea to put your phone number in your written complaint.
- d) If something has delayed your written complaint to the Commission, you should explain this in your written complaint. For example, you might have been sick, or you might have been waiting for the Ombudsman's Office to get back to you, or something else like that.
- e) You should attach to your written complaint copies of any relevant documents, including copies of any letters you received from your Education Authority after you made a written complaint to them.
- f) You should lodge your written complaint to the Commission with the Teaching Service Office, Ministry of Education and Human Resource Development. You can do this in person, by fax or by post, but the best way is in person. If you cannot lodge your complaint in person, then you should fax it. Post is probably the least reliable option. You will find contact details for the Teaching Service Office at the end of this book.
- g) When you lodge your written complaint with the Commission, you should get a receipt from the Teaching Service officer who you give your complaint to. The receipt should say the date on which your complaint was received and the name of the receiving officer.