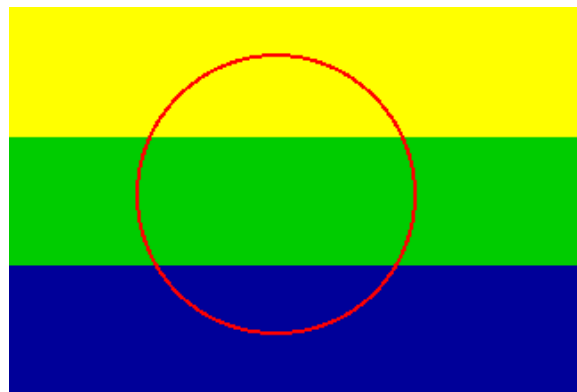


REDRESS MECHANISM POLICY

PEGUIS FIRST NATION



Adopted: BCR 09/04/29

PEGUIS FIRST NATION

Redress Mechanism Policy

INTRODUCTION

- 1 This policy establishes a Redress Mechanism for Peguis First Nation based on the traditions and values of the community of Peguis. The policy provides a process for members of Peguis to appeal decisions or actions taken by the Peguis First Nation employees in which a citizen feels he or she was unfairly or unjustly treated in respect of, or omitted from, being considered for jobs, education opportunities, housing allocations and other First Nation programs, services and Nation entitlements and benefits.

APPLICATION

- 2 This policy applies to all Peguis members.
- 3 The Policy applies to all employees of Peguis First Nation, its agencies, and other entities including committees, boards, commissions and corporations unless otherwise provided by Minutes of the Council.

DEFINITIONS

- 4 In this Policy:
 - (a) **“agency”** means any board, tribunal, commission or committee of the Peguis First Nation or any corporate body controlled by the Peguis First Nation including a society or a corporation;
 - (b) **“Chief and Council”** and **“council”** means the Peguis First Nation leadership consisting of one Chief and Councillors;
 - (c) **“complainant”** is the person who feels that have been unjustly treated;
 - (d) **“employee”** means any individual employed by the Peguis First Nation or any of its committees, boards, agencies, corporations or other entities;
 - (e) **“member(s) of council”** means the Chief or one or more of the Band Councillors of Peguis First Nation;
 - (f) **“policy”** means a program of actions adopted by the Council of the Peguis First Nation and the principles upon which they are based;
 - (g) **“respondent”** is the employee of the Peguis First Nation who is alleged to have unjustly treated the complainant.
 - (h) **“redress committee”** is the committee appointed by the Council to be the redress committee.

CLARIFICATION OF COMPLAINT

- 5 A person who has a complaint may seek the confidential advice of a Program Manager, the Chief Operating Officer or the Chair of the Redress Committee in an attempt to clarify his or her concerns and to understand his or her options under this Policy.
- 6 All information regarding a complaint shall be kept confidential.
- 7 It is in the best interests of all parties where these types of concerns are raised to seek resolution as early as possible. A person who feels he or she has a complaint under this Policy should, where possible, discuss the concerns with the person whose action gave rise to the complaint.
- 8 If the complainant is not able to resolve his or her concern after speaking with the person whose action gave rise to the complaint, the complainant may file in writing a formal complaint to the Redress Committee of Peguis.
- 9 Where a dispute is not able to be resolved, the complainant shall fill out the form in Appendix I to this policy within 30 days of the action or decision in question and deliver the form to the receptionist at the Peguis First Nation Administration Front Desk or mail the form to:
Redress Committee of Peguis First Nation
PO Box 10
Peguis, MB
R0C 3J0

COMPOSITION OF THE REDRESS COMMITTEE

- 10 The Redress Committee shall be appointed by Council to include:
 - (a) an employee of the Peguis First Nation who shall act as secretary;
 - (b) two band members who are neither a Council member nor an employee.
- 11 Council shall appoint one of the above as Chair.

STAGE ONE OF THE COMPLAINT PROCESS

- 12 The Committee shall follow the following process before hearing a complaint:
 - (a) the Chair shall direct the respondent to provide a written report explaining the circumstances of the decision or action which led to the complaint and the report shall be submitted to the Committee Chair in advance of the Committee hearing of the complaint;
 - (b) the Chair shall speak to both parties to determine if the dispute may be resolved at this stage;

- (c) if the complaint cannot be resolved, the Chair shall be responsible for arranging a meeting of the Committee within five (5) business days to hear the complaint and to arrange for the complainant and the person whose conduct is in question to appear at the Committee hearing.

STAGE TWO OF THE COMPLAINT PROCESS

- 13 The Committee hearing shall conduct the process as follows:
- (a) the proceedings should be informal and in a manner conducive to a reconciliation of the dispute;
 - (b) the Chair shall arrange to have a brief ceremony to set the proper atmosphere in the proceeding;
 - (c) the complainant shall be given a chance to explain his or her complaint in his or her own words;
 - (d) the respondent shall be given an opportunity to explain his or her decision or action;
 - (e) the committee may convene in camera to render a decision on the matter at the hearing, or adjourn the hearing to consider the matter;
 - (f) the Committee's decision shall be announced to the complainant and the respondent as soon as possible after the hearing and no later than ten (10) business days;
 - (g) if a resolution satisfactory to both parties is not achieved, or the possibilities for resolution have been exhausted, both parties shall be informed and the complainant may withdraw the complaint, or seek alternative redress.

REDRESS COMMITTEE GUIDANCE

- 14 The Committee's decision shall be guided by the seven teachings of the community - Honesty, Humility, Respect, Love, Bravery, Truth and Wisdom

WHERE COMPLAINT IS RESOLVED

- 15 If a resolution acceptable to both parties is achieved, a resolution report will be completed and signed by the complainant and the respondent outlining the circumstances giving rise to the complaint, the investigation process, and the resolution achieved. Copies of the report will be given to the complainant, respondent and the Band Chief Operating Officer to keep on file. The matter will proceed no further.

REDRESS

- 16 The Committee may provide redress as follows:
- (a) by overturning the decision of the person whose action or decision gave rise to the complaint and ordering that other remedies be carried out;

- (b) directing that the person whose action or conduct gave rise to the complaint apologize to the complainant;
- (c) restore the complainant to the position he or she would have been in if the conduct under question had not occurred;
- (d) recommend counselling, training, or education;
- (e) where a complaint involves an employee of Peguis First Nation, any discipline action must follow the Peguis First Nation Personnel Policy.

RECORDS

- 17 Records of formal complaints including contents of meetings, interviews, results or investigations and other material attendant to the claim will be treated as discretely as possible, collected and stored in a sealed envelope in numbered files housed with the Chief Operating Officer.
- 18 The files will be cross-referenced to a list of names of complainant and respondent, date and file number.
- 19 The file may be opened if a subsequent complaint is filed, or at the request of the Committee or as required by subpoena or law.
- 20 This process is subject to the Access to Information and Privacy Policy.

REPORT AND DATA COLLECTION

- 21 The Committee will annually submit a report by June 30 for the previous fiscal year with aggregate complaint and resolution data in accordance with privacy considerations. The report will include any changes made to this Policy and the complaint procedures, and any amendments under consideration.
- 22 The annual report will be circulated to the Peguis community at the same time and in a similar manner to the Audit.

COMMITTEE MEMBER REMUNERATION

- 23 The Committee Members shall receive an honorarium and expenses in accordance with the Honorarium Policy.