

Section IX

COMPLAINTS PROCEDURES

A. INTRODUCTION

The British Union Conference (BUC) executive committee has approved the following complaints procedure for use when conflicts or disputes arise in the BUC or in related organizations within the BUC and the BUC is called upon for counsel or mediation.

It is the expectation of the BUC that all complaints are resolved at the level where they arise. All conferences and missions are advised to set up procedures to deal with conflicts and grievances which are in harmony with biblical principles, church policy and national laws. These procedures should include an informal phase, but should also offer formal procedures, including the mutually agreed upon option of arbitration, when informal attempts at resolving the difficulty do not succeed.

Operational disputes including member complaints

The following section does not apply to employee, worker, contractor or supplier relationships.

B. JURISDICTION

Following the Church Manual and established policies, the BUC recognizes that each level of the church's organisation has its own distinct jurisdiction in church operational matters when disputes arise.

The local church has jurisdiction in disputes between its lay members. Disputes that affect the employment of members or non-members hired by the conference, mission, the conference/mission institution, the union and the union institution or the division and the division institution are in the jurisdiction of the hiring body as are disputes with contractors and suppliers.

The local church has jurisdiction in church operational policy disputes including:

- a. Granting and receiving of membership or transfer of membership
- b. Administration of church discipline
- c. Operation of the local church's activities and services
- d. Other matters between members which arise out of their participation in church services or activities and have a clear relationship with the church's programme
- e. The local church and any of its own employees (for example cleaners) and contractors

The local conference/mission has jurisdiction in church operational policy disputes between:

- a. Local conference/mission employees and the congregation, or a member, or members of the congregation.
- b. Conference/mission institution employees and the institution.
- c. Lay members and the local conference/mission.
- d. Local conference/mission employees, local conference/mission institution employees, and the local conference/mission.
- e. Local conference/mission churches, organisations, and/or institutions.
- f. Congregational splits within the conference/mission.

The Union Conference has jurisdiction in church operational policy disputes between:

- a. Intra-union conference employees and/or union employees.
- b. Union institution employees and the institution.
- c. Lay members or local churches and the union conference.
- d. Local conference/mission employees, local conference/mission institution employees, union conference institution employees, and the union conference.
- e. Intra-union organizations, union institutions, and/or local conferences within the union.

The Trans-European Division has jurisdiction in church operational policy disputes between:

- a. Inter-union denominational employees, division employees, and/or employees of division institutions.
- b. Union conference employees and the union conference.
- c. Division institution employees and the union conference.
- d. Division employees and the division.
- e. Lay members and the division
- f. Local and union conference institutions or division institution employees and the division.
- g. Any two denominational organisations within the division which do not come under the jurisdiction of a single union conference.
- h. Any denominational organisation within the division and the division.

It should be noted throughout, that any employee related issue(s) may trigger the appropriate employment policy and processes which would be managed at the hiring body level and falls entirely within their jurisdiction.

C. INVOLVEMENT OF THE BUC

The BUC will at all times recognise the jurisdiction of the various levels of church organization. However, the BUC may seek counsel from the TED administration when faced with conflicts or with grievances within their jurisdiction. Employees or workers wishing to appeal against employment related decisions in lower organizations should use the hiring body's grievance or disciplinary appeal's process as appropriate. Apart from its voluntary conciliation service the BUC can only participate in these processes where its involvement is indicated by the hiring organisation's policy.

An individual (except in the case of employees or workers who raise employment related concerns) who feels that his/her complaint against any church organisation has not been dealt with fairly by the organisation concerned, and that all levels (up to that of the Union) have failed to provide redress, may contact the secretary of the Appeals Committee of the BUC. The Appeals Committee will establish whether the lower church organisations have followed proper process in harmony with the complaints procedures established by the organisations concerned. If no such complaints procedure has been established, the Appeals Committee will assess whether biblical principles, church policies and any relevant legal processes have been adequately followed, and will advise the individuals and organisations concerned of its findings. If proper procedures have not been followed, the BUC will request that the organisation(s) concerned reconsider(s) the case.

D. BUC COMPLAINTS APPEAL PROCEDURE

Where a member / group of members has a complaint regarding the way an operational dispute has been handled by an administration at conference / mission level they may request, via the BUC

Executive Secretary, to have their complaint heard by a BUC Appeals Committee. Receipt of the request will be acknowledged with an indication of when the result might be expected, which will usually be within three months of receipt of the complaint. The Appeals Committee will comprise a chairperson, who will also act as lead investigator, and two other persons selected by the BUC Officers or Executive committee as appropriate.

The complaint must be submitted in writing giving a time line of events involved and providing appropriate backing material to the Appeal Committee. The lead investigator may contact the complainant(s) for further information, clarifications, etc., as well as seeking, by interview or written submissions, information and clarifications from the administration concerned.

The assembled evidence will then be examined by the Appeals Committee who, after due consideration of the evidence and any denominational policies and procedures that apply, will give a ruling on the complaint. The Appeals Committee's decision in these matters is final. Unless of a confidential nature, all materials used by the Appeal Committee in coming to a ruling may be made available to the complainant on request.

Given the confidential nature of employment related disputes and the rights of the affected employees or workers involved, the BUC is unable to comment on the handling of these disputes or to reveal any personal information to third parties. Therefore there is no process by which members or interested third parties may have a complaint, regarding how an employee or worker is perceived to have been treated, responded to by the BUC or any employing organisation. That said, members or groups of members may request that a process, practice or policy is reviewed.

E. ARBITRATION

In rare cases, when everything else fails, the BUC is willing to provide binding arbitration to resolve a conflict concerning operational matters that has occurred at a lower organisational level. The arbitration team will consist of the following: Two members of the Appeals Committee, and two other members--one to be named by each of the parties involved in the dispute (whether individuals or organisations). The following conditions will apply:

1. Arbitration will only be considered if the conference/mission in which the conflict has arisen has not been able to resolve the matter.
2. Arbitration will only take place if the parties concerned are willing to accept binding arbitration.
3. The parties involved in the dispute and the BUC must reach an agreement when and where the arbitration is to take place and how costs (e.g. for travel) are to be met.
4. The parties concerned must withdraw or suspend any pending lawsuits and agree that they will not institute a law suit against each other during the arbitration process.

It must be recognised that certain cases may not lend themselves to this form of arbitration, such as:

- settlement of insurance or self-insurance claims
- marital differences or matters concerning the custody of children
- matters involving the administration of estates
- some matters involving ownership of property, or the establishment of boundaries, etc.
- debt collection matters
- issues where government agencies, or law enforcement agencies are involved
- specific theological questions.

The BUC reserves the right to suspend or terminate the arbitration process if, in its judgment, either or both parties concerned are:

1. Being obstructive, or deliberately behaving in a way that is rude, offensive or likely to exacerbate the complaint
2. Breaching the confidentiality of the process
3. Not making themselves available for meetings or failing to respond to requests for information without reasonable cause
4. Seeking to undermine the role and integrity of the BUC or the church through the arbitration process

In these cases the Chair of the Appeal Panel will write to the parties concerned explaining the decision to terminate the panel's involvement. The Panel's decision in these matters is final.

F. EMPLOYMENT DISPUTES

From time to time a dispute may arise between an employee and his/her employer. These issues are to be resolved using the current grievance or disciplinary procedures of the employing organisation even where they concern the application of the church's operational policy. In the case of local church employees this falls under the jurisdiction of the responsible conference/mission and their guidance and policies are to be applied.

Where the internal and contractual process for resolving disputes has been exhausted and the dispute has not been resolved then the parties involved have three choices:

1. To terminate the dispute through the use of a settlement agreement
2. To apply for a decision through the courts
3. To engage assistance with conciliation/mediation

It is important that legal advice is obtained before choosing any of these options.

If both parties agree to option 3 and prefer to keep the matter within the church family of organizations (instead of using ACAS) then the BUC may be invited to assist in the conciliation process. This is not an additional contractual right that is being conferred upon employees but simply a confidential service that the BUC provides to its subscribing organizations.

The application for this service should come from the employer and both parties must be in agreement and aware of the implications of participation as it is a voluntary process. The BUC will provide an impartial service that will aim to listen to and understand both parties viewpoint and assist them, if possible, to come to an agreement. These discussions would be held on a "without prejudice" basis. An agreement is reached when a written legal agreement is signed by both parties. Written agreements can take the form of settlement agreements which require that the employee receives legal advice on the agreement from a lawyer (or other certified person), that such advice is paid for by the employer and that the employee then has a minimum of 10 days to reflect on the agreement before signing.

If an agreement cannot be reached then this will be recorded and the parties may resort to either option 1 or 2 or seek assistance through the ACAS early conciliation service. This process will take no longer than 30 days and applying units are encouraged to seek assistance promptly.