

## **Work System of the Committee**

### **Higher Grievances**

### **in the Government of Ajman**

#### **Chapter One:**

#### **General Framework**

#### **Chapter One: General Framework**

##### **Article (1): Definitions**

<b>Term</b>	<b>Interpretation or Meaning</b>
The Emirate	The Emirate of Ajman
The Government	The Government of Ajman
The Law	Amiri Decree No. (4) of 2017 regarding the issuance of the Human Resources Law in the Government of Ajman, its executive regulations, the systems issued thereunder and their amendments, and any legislation that replaces them in the future.
The System	The Grievances and Complaints System in the Government of Ajman
The Government Entity	Any department, institution, authority, council, agency, administration, or any other establishment under the government of the Emirate, whose budget is within its annual budget. The term includes any other entity whose employees are subject to the

<b>Term</b>	<b>Interpretation or Meaning</b>
	provisions of the Law by a local legislation issued for its establishment or reorganization.
The Competent Authority	The authority vested with the power of appointment, or any other powers, under the provisions of the Law, or under the provisions of the executive regulations or the systems issued thereunder.
The Human Resources Unit	The administrative unit concerned with human resources in the relevant government entity.
The Employee	Any natural person occupying a civil position in the relevant government entity, whatever the nature of their work or job title. The term does not include workers whose employment affairs are regulated by special regulations or systems.
The Committee	The Higher Grievances Committee formed in accordance with the provisions of the Law.
The Internal Grievances and Complaints Committee	The committee formed in the relevant government entity to consider the grievances and complaints submitted by its employees.
The Grievance	An objection submitted by the employee in accordance with the provisions of this system against any decision or action issued against them to the Grievances and Complaints Committee, in accordance with the conditions and procedures specified in the system.

## **Article (2): Objectives of the System**

A. To provide a unified mechanism, methodology, and procedures for the Committee's work in the Government.

B. To enhance the principles of transparency, justice, and accountability in the government entities in the Emirate.

C. To achieve job satisfaction through the implementation of a system that contributes to preserving the rights and duties of employees and reducing negative behaviors in the work environment.

### **Article (3): Scope of Application**

The system applies to all employees of local government entities in the Emirate of Ajman to which Amiri Decree No. (4) of 2017 regarding the issuance of the Human Resources Law in the Government of Ajman, its executive regulations, their amendments, and any legislation that replaces them in the future apply.

### **Article (4): Competencies of the Committee**

A. The Committee is competent to consider and decide on grievances submitted to it by employees regarding final administrative decisions issued against them concerning the following:

- (1) Disciplinary sanctions.
- (2) Annual performance appraisal.
- (3) Transfer, secondment, or loan.
- (4) Termination of service or suspension from work.
- (5) Administrative procedures violating the provisions of the Law.

B. The Committee may consider and decide on grievances submitted to it by employees in the event that the government entity refrains from taking any action or decision concerning them that the Law requires it to take.

C. The Committee is not competent in the following:

- (1) Any grievance related to working hours, job grade, salary, or bonuses.
- (2) Any grievance that is pending before the judiciary or on which a final court judgment has been issued.

### **Article (5): Roles and Responsibilities**

The responsibilities for implementing this system are as follows:

## **A. Human Resources Department**

- (1) Introduce the system and raise awareness among human resources units about its mechanisms and procedures.
- (2) Provide necessary advisory support to human resources units in government entities regarding the system.

## **B. The Government Entity**

- (1) Provide the Human Resources Department with decisions on the formation of the committees mentioned in this paragraph and update them periodically.
- (2) Provide the Committee with data or decisions issued by the Internal Grievances and Complaints Committee upon request according to the timelines specified in this system.
- (3) Implement the decisions issued by the Committee within the period specified in this system.

## **C. The Committee**

- (1) Consider grievances submitted by employees of the government entity and make decisions regarding them.
- (2) Decide on the grievance within a period not exceeding thirty (30) working days from the date the Committee receives the grievance. The Chairman of the Committee may, in cases that so require, extend this period for a period not exceeding another fifteen (15) working days.

## **D. The Human Resources Unit**

- (1) Introduce the system and raise awareness among the employees of the government entity about its mechanisms and procedures.
- (2) Follow up on the implementation of decisions issued by the Internal Grievances and Complaints Committee and the Committee.
- (3) Ensure that all data related to the grievance is provided and delivered to the concerned committee.
- (4) Cooperate in the Human Resources Unit's attempt to resolve the grievance amicably before referring it to the concerned committee, provided that the grievance request is transferred to the concerned

committee within a period not exceeding 5 days from the date of its receipt.

#### **E. The Employee**

- (1) Adhere to the duty of confidentiality regarding all facts, documents, records, decisions, and information that comes to their knowledge.
- (2) Be transparent and clear in providing and disseminating complete information for review.
- (3) Act in a manner that promotes the core values and ethics of professional conduct with all parties.
- (4) Continue to perform job duties without negligence or behavior that affects the continuity of business.
- (5) Fully comply with all provisions and rules of this system.

## **Chapter**

### **Two**

#### **Chapter Two**

#### **Article (6): Formation of the Committee and its Mechanism of Work**

A Higher Grievances Committee shall be formed by a decision of the Ruler's Representative for Administrative and Financial Affairs, to consider and decide on any grievance submitted by any employee in any government entity, in case of their objection to any decision issued by the government entity to which they belong, based on a recommendation issued by the Internal Grievances and Complaints Committee, or as a result of the failure to consider or decide on their grievance by the concerned government entity within the prescribed period.

## **Article (7): Reasons for Submitting a Grievance**

An employee may submit a grievance to the Committee in the following cases:

- A. Objecting to the decision of the Internal Grievances and Complaints Committee.
- B. Failure to decide on their grievance submitted to the Internal Grievances Committee within ten (10) working days.

## **Article (8): Conditions for Considering a Grievance**

To be considered, a grievance submitted to the Committee must be based on one or more of the following reasons:

- A. The contested decision violates the rules of jurisdiction in issuing administrative decisions.
- B. The contested decision violates applicable legislation or involves an error in its application or interpretation.
- C. Failure to observe the essential procedures required by the applicable legislation when issuing the contested decision.
- D. The contested decision involves an abuse of power, or a deviation from achieving the requirements of the public interest.
- E. The existence of one of the defects that tarnish an administrative decision and render it void and subject to cancellation if challenged, including the defect of lack of jurisdiction, the defect of form, the defect of violation of the law, and the defect of abuse of authority or misuse of position by the employee.

## **Article (9): Steps for Submitting a Grievance to the Committee**

- A. The grieving employee submits the grievance according to the approved human resources procedures and digital systems in the Government, attaching the contested decision and any supporting evidence and documents, if any, within a period not exceeding 10 working days from the date of certain knowledge of the decision of the Internal Grievances and Complaints Committee, or if the Internal Grievances and Complaints

Committee fails to make its decision on the grievance within a period of (10) working days from the date of its receipt of the grievance.

B. The Committee considers the grievance submitted to it. If it becomes clear to the Committee that the grievance does not fall within its jurisdiction, or that it was submitted after the expiry of the grievance period before it, or that it does not meet the required conditions for acceptance, the Committee issues a reasoned decision of non-jurisdiction, non-acceptance of the grievance, or its rejection, as the case may be. Its decision in this regard shall be final and shall be communicated to the grievant and the concerned government entity.

C. The Committee considers the submitted grievances, and issues its reasoned decisions by a majority of its present members, provided that the Chairman or their deputy is among them. In case of a tie, the side of the Chairman of the Committee shall prevail.

D. The grievance shall be decided upon within a period not exceeding (30) thirty working days from the date the Committee receives the grievance. The Chairman of the Committee may, in cases that so require, extend this period for a period not exceeding another (15) fifteen working days.

E. The rapporteur of the Committee shall forward the decision issued by the Committee to the concerned government entity and the grieving employee.

F. The concerned government entity shall be obliged to implement the decision issued by the Committee within (10) ten working days from the date of its notification, and to inform the Committee of the measures taken by it in this regard.

G. The rapporteur shall follow up on the implementation of the decisions issued by the Committee in the concerned government entity.

### **Article (10): Grievance Submission Data**

The grievance shall be submitted according to the approved electronic system in the Government to the Committee, including the following data:

A. The grievant's name, job, place of work, address, and means of contact.

B. The contested decision and its date of issuance.

- C. The reasons on which the grievance is based, supported by supporting documents.
- D. The names of witnesses on whose testimonies the grievant relies to prove their grievance.
- E. The grievant's requests.

### **Article (11): Powers of the Committee**

To decide on the grievance submitted to it, the Committee shall have the following powers:

1. Hear the statements of the two parties to the grievance, study the supporting documents of each, accept the evidence presented to it, weigh it, and assess its relevance to the subject of the grievance.
2. Conduct inspections or supplementary investigations, request to be provided with the necessary documents, review and examine them, either by itself or through any other person it delegates for this purpose.
3. Summon any employee of the government entity against which the grievance is filed to attend its sessions.
4. Invite whomever it deems appropriate to hear their statements as witnesses, either on its own initiative or at the request of either party to the grievance. The Committee may prevent any questions from being directed to the witness if they are not related to the subject of the grievance.
5. Seek the assistance of experts and specialists as it deems appropriate, without them having a counted vote in its deliberations.

### **Article (12): Decisions of the Committee**

All decisions issued by the Committee in any grievance submitted to it, whether in form or substance, shall be final and not subject to any objection or review by any means of administrative appeal, and shall be binding on the government entity against which the grievance is filed, while the grievant retains the right to resort to the judiciary to challenge the contested decision.



### **Article (13): Implementation of the Committee's Decisions**

A. If the Committee's decision includes obliging the government entity against which the grievance is filed to withdraw the contested decision, all legal and administrative procedures and actions taken under the contested decision shall be considered null and void from the date of its issuance.

B. If the Committee's decision includes obliging the government entity against which the grievance is filed to cancel the contested decision, all legal and administrative procedures and actions taken under this decision shall be considered null and void from the date of the Committee's decision.

### **Article (14): Request for Stay of Execution**

1. The grievant may request the Committee to temporarily suspend the execution of the contested decision until the grievance is decided, and the acceptance of this request is conditional on the following:

A. The request to suspend the execution of the contested decision must be coupled with a request for its withdrawal or cancellation.

B. The request must be based on serious and realistic reasons.

C. The execution of the contested decision is likely to have effects that are difficult to remedy.

2. The Committee must decide on the request to suspend the execution of the contested decision within (3) three working days from the date of its submission.

3. If the conditions stipulated in paragraph (A) of this article are met, the Committee may decide to suspend the execution of the contested decision until the grievance is decided.

## **Chapter Three:**

### **General Provisions**

#### **Chapter Three: General Provisions**

##### **Article (15): Attendance of the Grievance Parties**

- A. The concerned employee must attend if requested by the Committee.
- B. The government entity against which the grievance is filed, whenever requested by the Committee, must delegate any of its competent employees or whomever it deems appropriate to represent it before the Committee to state its point of view, present its defense, and provide supporting evidence and documents.

##### **Article (16): Failure to Attend**

- A. In the event that either party to the grievance fails to attend the session after being notified of its date, the Committee may continue to consider the grievance and decide on it; or set another date for considering the grievance as the Committee deems appropriate.
- B. The Committee may dismiss the grievance if the grieving employee fails to attend the session after being notified of its date without an acceptable excuse.
- C. The Committee may make its decision in absentia if the representative of the government entity fails to attend the session after being notified of its date without an acceptable excuse.

##### **Article (17): Disqualification of the Chairman and Members of the Committee**

- A. The chairman or a member of the Committee shall not participate in the consideration of any grievance in any of the following cases:
  - (1) If there is a marital, kinship, or affinity relationship with the concerned employee up to the fourth degree.

(2) If they are a party to the grievance.

(3) If they have previously given an opinion or participated in issuing a decision related to the subject of the grievance.

B. A member of the Committee may request to recuse themselves from considering the grievance for sufficient reasons presented to the Chairman of the Committee. In this case, the Chairman of the Committee may approve or reject the request for recusal.

C. In the event of the rejection or recusal of the chairman or a member of the Committee as specified in this article, an alternative chairman or member shall be named by a decision issued by the Ruler's Representative for Administrative and Financial Affairs in this regard.

### **Article (18): Issuing Decisions**

A. The Committee shall issue its decisions, which must include the reasons on which they are based. The decision shall be signed by the Chairman of the Committee based on the approval of the majority of its members.

B. The Committee, on its own initiative or at the request of either party to the grievance, shall correct any material errors that may occur in its decision. In case of any ambiguity in the decision, either party to the grievance has the right to ask the Committee to clarify this ambiguity, and the Committee in this case shall issue the appropriate decision in this regard.

### **Article (19): Confidentiality**

The Chairman, members, and rapporteur of the Committee, and the experts and specialists whose assistance the Committee seeks, are bound by the duty of confidentiality regarding all facts, documents, records, and decisions they review, and the information that comes to their knowledge during the performance of their duties. This duty continues even after their relationship with the Committee ends.

### **Article (20): Cooperation**

All government entities in the Emirate must fully cooperate with the Committee and provide all necessary support to enable it to achieve its

objectives and perform the tasks and competencies entrusted to it, including enabling the employees of those entities to appear before the Committee at its request, and providing it with the documents, data, and information it requests and deems necessary to enable it to decide on the grievances before it.

### **Article (21): Committee Budget**

The Department of Finance shall provide the necessary financial budget to enable the Committee to carry out the competencies entrusted to it under the provisions of this decision.

### **Article (22): Reports**

The Chairman of the Committee shall submit an annual report to the Ruler's Representative for Administrative and Financial Affairs, which includes the following:

- A. The number and type of grievances submitted to the Committee and a statement of those that have been decided upon, whether by rejecting them, withdrawing the contested decisions, or canceling them.
- B. Cases of refusal by the concerned departments to implement the Committee's decisions, and a proposal of the necessary procedures and measures to ensure the departments' compliance with these decisions.
- C. The Committee's work program and the necessary proposals and recommendations to improve its performance, including proposing amendments to the legislation related to its work.
- D. General recommendations on measures to ensure the principles of justice and fairness when deciding on the grievances presented to the Committee.

### **Article (23): Other Provisions**

- A. If a member of the Committee wishes to submit a grievance, they must follow the procedures outlined in this system and temporarily recuse themselves from their role in the Committee when their grievance is being considered.

B. No negative consequences shall befall the grieving employee, their job status, or any restriction, limitation, or infringement of any rights they enjoy under the established rules in case they submit any grievance.

C. Settlement is considered one of the means the Committee resorts to for government employees to resolve some grievances if the parties to the grievance agree to it, and a final decision is issued by the Committee.

D. The employee may withdraw the grievance submitted by them before a decision is made on either, and they may not thereafter submit any grievance on the same subject unless they provide a justification acceptable to the Committee.

E. If the Committee deems it necessary for one of the parties to the grievance to appear before it, they must be notified of the session date at least two working days before it is held.

F. A member who disagrees with the Committee's decision may document their objection in the meeting minutes.

G. The Chairman of the Committee, members, or anyone summoned by the Committee must disclose any kinship relationship with the grieving employee, witnesses, or any person invited from the concerned government entity of the grieving employee to recuse themselves from the session.