

<b>Policy Number</b>	004-M-2007
<b>Policy Group</b>	Membership
<b>Policy Name</b>	IAC Referral Appeals
<b>Date of Origin</b>	June 2007
<b>Date Amended</b>	September 2014, December 2009
<b>Date Reviewed</b>	November 2013

**PURPOSE** To identify the procedure to be used where disputes arise over whether a workload-related problem should be referred to an Independent Assessment Committee (IAC).

**SCOPE** Local or District Nursing Advisory Committees

**POLICY STATEMENT** A local or district Nursing Advisory Committee shall have the right to appeal when a dispute exists with the Union regarding referral of a workload related problem to an IAC.

**PROCEDURE**

When a dispute arises between a Nursing Advisory Committee and the Union over a referral to an IAC:

- a) The Nurse Practice Officer (NPO) shall recommend in writing to the Director of Labour Relations, with substantiating documentation, when a workload-related problem(s) should not be referred to or should be withdrawn from an IAC.
- b) The Director of Labour Relations, shall either agree or disagree with the recommendation made and that, in so doing, may seek further information of clarification from the NPO.
- c) Throughout this procedure, the Union will take such steps necessary to ensure that the workload-related problem(s) is processed in accordance with the prescribed procedure and in accordance with the time limits contained therein.

- d) Where the Director of Labour Relations agrees with the recommendation made not to refer, or to withdraw from IAC, notice shall be given of such decision to the Nursing Advisory Committee involved and the Local(s) by registered mail. The rationale for the decision made shall be provided and a period of thirty (30) days identified during which the decision of the Director of Labour Relations may be appealed by either the Nursing Advisory Committee or the Local(s).
- e) Should objection be received from the Nursing Advisory Committee or the Local(s), a hearing shall be held by the Executive Committee of the Board of Directors at a time and location to be established by the Committee.
- f) The Executive Committee shall conduct itself and hear such evidence as it sees fit, whether or not such evidence would be acceptable in a court of law.

The Executive Committee shall be viewed as a neutral entity. To assist the committee in making an unbiased decision, they should be provided the following:

- A summary of the Board presentation
- A copy of the letter from SUN stating the issue will not proceed
- A copy of the appeal letter from the member
- A copy of the letter confirming the meeting

The member(s) and their representative (if applicable) should be advised of what material the Executive Committee has at the onset of the meeting.

- g) The Nursing Advisory Committee or the Local(s) may be represented by counsel and may be entitled, at the discretion of the Director of Labour Relations, to call on witnesses at the hearing, at their own expense.

The process at the Executive Committee meeting will be to hear first from the member.

- h) The Director of Labour Relations shall be a witness for the Union and present evidence of the decision to not proceed with the IAC to the committee at the hearing. It is up to the discretion of the Director of Labour Relations to call witnesses. Material that is thought relevant by the Director of Labour Relations could be provided at this time. The Board presentation should be available at this meeting. The Executive Director shall act in an advisory capacity to the Executive Committee at the hearing.
- i) A decision shall be made by the Executive Committee of the Board of Directors on whether to uphold the decision of the Director of Labour Relations. Such decision shall be final and binding on the parties and shall be communicated to the respective participants in the hearing by registered mail.

The evidence submitted and the decision of the Executive Committee shall be the official record of the proceedings.