

APLE Cambodia

Grievance Policy



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PP010# / Grievance Policy

1. Purpose and Scope

Grievances are defined as “concerns, problems or complaints that employees raise with their employers.” Issues that may cause grievances include:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination

Issues involving bullying, harassment or whistleblowing are dealt with under a separate procedure.

2. Principles

The Grievance Policy and Procedure applies to all employees of APLE Cambodia. It exists to ensure that grievance problems at work are solved as quickly and as fairly as possible. It is intended that both APLE Cambodia and its employees should view the use of this procedure in a constructive light.

Every effort will be made to resolve the issue at the earliest possible stage, and at each stage efforts will be made in order to avoid proceeding to the next stage and to settle the issue amicably.

In the case of a grievance being taken out as a counter-grievance, or in response to the instigation of disciplinary action, it may be appropriate to deal with both issues concurrently. If appropriate, the disciplinary procedure may be temporarily suspended in order to deal with the grievance.

If an employee has a problem with any other member of staff, and is unable to sort it out informally, the matter should be referred to his/her line-manager. You may be able to agree an informal solution between you. In some cases, this may also involve assistance such as mediation.

If the problem is serious or remains unresolved or the employee wishes to raise the matter formally, the employee can invoke the formal grievance procedure.

At each stage of the procedure, there will be at least one meeting to discuss the grievance.

At each stage of the procedure an employee is entitled to be represented or accompanied by his or her union representative or by a work colleague of his/her choice. If you are under 18, you may choose to be accompanied by a parent or guardian.

The date and time of (any) grievance hearing(s) shall be agreed between the employee, his/her representative and his/her line manager.

3. The Procedure

A grievance should be raised without unreasonable delay, normally within one month of the incident (or final incident) which gives rise to the complaint.

In all cases and at all stages, the employee must detail in writing the specific circumstance or circumstances which constitute the grievance, with dates, times, witnesses, etc. as applicable. Employees should stick to the facts and avoid insulting or abusive language.

The procedure has three stages as set out below. At each stage of the Grievance Procedure the person or panel hearing the case shall undertake a full investigation and there shall be a hearing, to allow the employee to put his/her case and state how they would like to see it resolved.

a) Stage 1

Any grievance should first be raised in writing with the immediate line-manager who should attempt to settle it as soon as possible. S/he will invite the employee to attend a meeting, normally within 5 working days, to discuss the matter. The line-manager will hold any additional meetings as would, in her/his view, resolve the grievance.

The line-manager may adjourn the meeting if it is necessary to investigate any new facts that arise.

If the grievance is against the immediate line-manager, the matter should be raised with the Executive Director (or with the supervisor's line-manager if different). In the case of grievance against the Executive Director, the matter should be raised with the Chair of the Board. Whoever deals with the grievance at this stage, will be excluded from hearing the case at any later stage.

b) Stage 2

If not resolved by the line-manager within ten working days, the matter may be raised with the Executive Director (ED). The grievance should be set out in writing, dated and sent to the ED (or Chair). The ED (or Chair) will call a hearing to take place within ten working days of the matter being formally raised. The ED (or Chair) shall ensure that a minute taker is present. See conduct of the hearing in paragraph 9 below.

Where APLE Cambodia has no ED and the Chair has dealt with the grievance under Stage 1, the matter will be heard under Stage 3 below.

c) Stage 3 - Appeal

If still unresolved, the matter may be referred, in writing, to the Board of Trustees (through the Chair), who shall appoint an Appeal Panel consisting of not less than three

representatives of APLE Cambodia. The members of this panel should, if at all possible, have had no direct involvement in the case. One member of the Panel shall be elected Chair. The Panel shall ensure a minute taker is present.

The Appeal Panel will hold a hearing as soon as possible, but not later than fifteen working days from the receipt of the formal notification from the employee.

The decision of the Appeal Panel shall be final.

4. Group Grievance

Where a group of employees has a collective grievance, the procedure should start at Stage II above.

5. Informal Meetings

The procedural steps detailed above will not preclude any informal meetings which may from time to time be considered mutually to be appropriate.

6. Time Limits

The time limits expressed in this procedure will be regarded as the normal maximum time limits required. They may, however, be extended by mutual agreement.

7. Review

This procedure may be reviewed and altered from time to time as appropriate and any changes agreed with employees.

8. Examples of Possible Reasons for a Grievance

It is not the aim of this procedure to deal with reasonable and justifiable managerial decisions which an employee may disagree with. The list provided below is not exhaustive and there may be other examples of possible reasons for a grievance:

- unreasonable/unjustified refusal to grant annual leave
- unreasonable/unjustified refusal to grant an approved absence
- provision of conflicting, contradictory instructions/supervision
- unjustified refusal to provide support/supervision when requested
- persistent lack of support/supervision which affects the employee's ability to carry out his/her job
- refusal to deal with, or inadequate resolution of work problems between colleagues
- Unwillingness or failure to deal with health & safety issues

9. Grievance Hearing – Stage 2

The Programme Director (or ED) must convene a grievance hearing within ten working days of receiving the employee's written grievance.

The Programme Director (or ED) will introduce the meeting, read out the grounds of the employee's grievance, ask the employee/representative if they are correct and require the employee/representative to provide clarification regarding details of the grievance if unclear.

The employee/representative will be given the opportunity to put forward her/his case and say how they would like to see it resolved. The employee/representative may call witnesses and refer to any documents previously provided to the line manager.

The Programme Director (or ED) and the line manager may question the employee and any of the employee's witnesses.

The Head of Operations (or Chief Executive Officer) and the employee/representative may question the line-manager who dealt with Stage I of the procedure.

The employee/representative will be given the opportunity to sum up but may not introduce any new material.

The Programme Director (or ED) will adjourn the hearing and give due consideration to the case. S/he may need to seek technical and professional advice and information from internal and external sources as appropriate (e.g., advice and information on employment law or Survivors Manchester's personnel policies and procedures, etc.). The Programme Director (or ED) may adjourn the hearing for up to fifteen working days.

The hearing may be adjourned by the Programme Director (or ED) if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.

Having considered the case, the Programme Director (or ED) will give her/his decision regarding the case and confirm this in writing to the employee within five working days. S/he will also inform the employee of her/his right of appeal, which must be made to the Chair of the Board of Trustees within ten working days of receipt of the written decision.

10. Appeal Hearing – Stage 3

The ED (or nominated Trustee in the event of the ED being present at Stage 2) shall create an Appeal Panel. An Appeal Hearing will be held as soon as possible, but not later than fifteen working days from the receipt of the formal notification from the employee.

The Chair of the Appeal Panel will introduce the meeting, read out the grounds of the employee's appeal, ask the employee if they are correct and require the employee to provide clarification if any of the grounds of appeal are unclear.

The employee will be given the opportunity to put forward her/his case, explain why s/he is not satisfied with the outcome at Stage 2. The employee may call witnesses and refer to the Programme Director (or ED) written decision and any other documents circulated to the Programme Director (or ED) prior to the appeal hearing.

Members of the Appeal Panel may question the employee and any of the employee's

witnesses.

Members of the Appeal Panel and the employee may question the Programme Manager (or ED) who dealt with Stage 2 of the procedure.

The employee will be given the opportunity to sum up but may not introduce any new material.

The Chair of the Appeal Panel will adjourn the hearing and the Panel will give due consideration to the case. It will be acceptable for the Chair of the Appeal Panel, on behalf of the Panel, to seek technical and professional advice and information from internal and external sources as appropriate (e.g. advice and information on employment law or The Association's personnel policies and procedures, etc.). The Chair of the Appeal Panel may adjourn the hearing for up to fifteen working days.

The hearing may be adjourned by the Chair of the Appeal Panel if it is considered necessary to undertake further investigation. The hearing will be reconvened as soon as possible.

Once the Appeal Panel has reached a decision, the Chair of the Appeal Panel will recall the employee, give the Appeal Panel's decision and confirm this in writing within ten working days.

The decision of the Appeal Panel will be Final.

11. Records

At each stage of the procedure formal records (detailing the nature of the grievance raised, the employer's response and any action taken and the reason for it) shall be kept, and the result of each stage shall be confirmed in writing. The employee is encouraged to keep his/her own records, and is entitled to record his/her disagreement as to the accuracy of the formal records or of the result.

These records should be kept confidential and retained in accordance with the Confidentiality and Data Protection Policy which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the individual concerned although in certain circumstances some information may be withheld, for example to protect a witness.