

Grievance and Dispute Resolution Policy AC04

Policy Number: AC04

Effective Date: 11th April 2013

Version: 02

Revised Date: 18th March 2020

Drafted by: Executive Director

Responsible person: ED, DSS

Date Approved by Board: 11th April 2013

Scheduled Review Date: July 2023

Additional Authority: Law and related organisational policies.

- 1997 Cambodian Labour Law
- Board Dispute Resolution Policy
- Bullying Policy
- Anti-Discrimination Policy
- Disciplinary Policy

Scope

This policy is applicable for all employees, consultants, interns and volunteers.

Responsible Party

It is the responsibility of the Executive Director and the Senior Management Team to ensure that employees understand and abide by this policy.

Definitions

Grievance - a real or imagined wrong, concern or complaint about any act, behaviour, omission, situation or decision perceived to be unfair or unjustified.

Dispute - a difference in opinions, understanding and/or interpretation.

Dispute Resolution - refers to the processes by which grievances and disputes are brought to an end.

Resolution - resolution is sought when an aggrieved person confirms that their dispute or grievance has been satisfactorily addressed. Resolution can occur at any stage of the process.

Liaison Officer - Each organisation is required to appoint a liaison officer to address employee complaints. The appointed liaison officer at This Life is the Human Resources Manager. Their role is to serve as the first point of contact for aggrieved employees.

Aggrieved person - the person who raises the grievance or dispute.

Respondent - A person identified by an aggrieved person whose actions have allegedly caused or contributed to the grievance or dispute.

Support Person - A trusted friend or colleague who can provide assistance by listening supportively to the aggrieved person's concerns as well as providing emotional support during meetings.

Informal - where a grievance or dispute between an aggrieved person and respondent is resolved at the lowest level amongst themselves and with minimal intervention. For the purpose of this policy, a grievance or dispute remains informal until it is submitted in writing.

Formal - For the purpose of this policy, a grievance or dispute becomes formal when it is submitted in writing to the relevant section lead or line manager.

Natural Justice - a process that is fair and free of bias to all parties, based upon the principles of;

- a. The right for a respondent to be heard before any decision that has the potential to affect them is made.
- b. The right to be informed of all allegations made.
- c. The right of response; and
- d. Consistency in organisational approach to the issues.

Good faith - a state of mind requiring sincere and honest intentions or belief, regardless of the outcome of an action.

Management Team – The Program Coordinators of each of This Life's programs.

Senior Management Team – The Executive Director, Deputy Director and Section Leads.

Board of Directors – This Life's appointed Board members.

Grievance Panel – Three members from the Senior Management Team

POLICY

This Life is committed to providing a safe, healthy and inclusive work environment where all parties have the opportunity to express and resolve work related disputes and grievances fairly and impartially and in accordance with the principles of natural justice.

The purpose of this document is to provide guidelines and procedures through which all employees can resolve work-related grievances and disputes as they arise. It further aims to promote consistency and transparency for the manner in which all matters are managed within This Life by setting timeframes and clear procedures to ensure grievances are promptly, sensitively and confidentially managed.

This Life encourages all parties to raise any grievances or disputes that they may have at the earliest opportunity. Where an employee is concerned about a matter relating to relationships at work, matters of personal privacy or fear that there may have been a misunderstanding, they may wish to raise the matter directly with the person involved. This type of direct and informal approach is encouraged and This Life expects employees who are approached responsibly to respond in a similar manner.

A grievance may be raised about any matter concerning work or conditions of employment other than the outcome of any case in which the disciplinary procedure has been used.

The Labor Law sets out processes for individual and collective disputes relating to terms or conditions of employment. The This Life Liaison Officer is the first point of contact for aggrieved employees. If the Liaison Officer is unable to resolve the matter the Executive Director will be informed and will meet with the employee. If the employee and Executive Director cannot reach an agreement the Labor Inspector is to be contacted for conciliation.

It is the responsibility of all parties involved in a grievance or dispute to participate fully in the resolution process in good faith.

Grievances and disputes will be discussed and resolved within a general framework of natural justice and cooperation that emphasises prevention of further disputes.

Grievances and disputes will be handled within the normal reporting relationships that exist within the organisations program management structure.

Grievances and disputes will be addressed at the lowest possible operational level as prescribed by procedure.

Grievances and disputes will be addressed as quickly as possible to avoid the negative effects of ongoing problems within the work environment.

The wishes of all parties will be taken into account in determining the appropriate steps and/or action to be taken to resolve the issue.

Employees cannot demand the dismissal of a manager or any other employee.

All grievances or disputes will be handled internally in the first instance before recourse to external mediation.

All formal avenues for handling grievances and disputes will be fully documented in a way that respects the privacy and confidentiality of all parties concerned. All information, correspondence and/or documentation associated with a grievance or dispute will be treated with appropriate and adequate security and confidentiality. Details of the dispute or grievance will only be available to parties involved in the resolution process.

Employees may use the procedures described below without fear of retaliation from supervisors or others against whom a complaint may be lodged. No party will be intimidated or unfairly treated in any respect if they utilise this Policy to resolve an issue.

PROCEDURES

The following procedure provides a framework for the quick and effective resolution of difficulties that may arise in the workplace through open communication discussion between colleagues.

The aim of the procedure is to ensure that employees who feel aggrieved about the way they have been treated, either by management or by their colleagues, are given the opportunity to express their views and to have the issues resolved in a fair and speedy manner. The procedure seeks to achieve solutions through appropriate informal methods prior to the use of the formal processes, and is concerned to achieve a mutually acceptable resolution rather than to establish guilt or innocence. The procedure does not provide for sanctions against anyone involved. A separate procedure exists to deal with disciplinary issues.

The procedure has four stages of increasing escalation, however, as proscribed in policy, it is envisaged that disputes will be resolved at the lowest possible level.

1. The Informal Process

- a. The aggrieved person is to make an attempt to resolve the grievance or dispute as close to the source as practicably possible, generally through informal, verbal discussion of the matter with the respondent/s within 2 working days of the incident.
- b. The aggrieved person may ask a fellow employee, their line manager or someone else they trust to intervene informally on their behalf. Having agreed to assist in resolving the issues a typical approach would involve separate initial meetings with the parties followed by a meeting in which all of the parties meet to seek to reach an agreement.
- c. The aggrieved person may seek mediation with a view to finding a mutually acceptable resolution. Mediators will use their skills to assist but will not dictate, monitor or enforce any agreement. A record of agreement will only be kept if both parties consent to it.

The formal procedure should only be used if it has not proved possible to resolve the problem through the informal process.

2. The Formal Process

Stage 1

- a. The aggrieved person is to write to his or her Program Coordinator, or their section lead if the grievance is against the Program Coordinator, or the Deputy Director if the grievance is against the section lead asking for the matter to be formally considered under the grievance procedure. The person who receives the letter then becomes the investigator.
- b. The letter should clearly state the nature of their grievance or dispute, the respondent/s involved, their actions taken under the informal process to resolve the matter, and stating the intended outcome sought.
- c. The investigator is responsible for the investigation.
- d. the investigator may refer the aggrieved person back to the informal processes if little or no attempt has been made at that level.
- e. the investigator will meet with the parties individually and together in an attempt to resolve the matter - reaching a desired outcome for all.
- f. A Program Coordinator may seek the support and/or assistance of their section lead in managing the presented grievance or dispute.

Stage 2

- a. if the employee is not satisfied with the outcome from stage 1 he or she may ask for the grievance to be considered by a grievance panel of three people from the Management and Senior Management Teams.
- b. The panel will review the grievance including the aggrieved person's rationale for continuing the grievance and efforts made to date to resolve the matter. Requests that are without substance and/or merit, frivolous, vexatious and/or been occasioned substantially by the default of the aggrieved person will not be further considered. Feedback will be provided to both the aggrieved person and the respondent in these cases.

- c. If the panel deems that the grievance should continue the panel will meet, within two weeks of the referral, with the parties involved (and their support people) to further attempt to resolve the matter.
- d. Consideration can be given to a Board Member being involved in more contentious grievances.
- e. The decision of the grievance panel is final and will be communicated to both the aggrieved person and the respondent in writing within 5 days of the meeting.

If the matter remains unresolved proceed to Stage 3.

Stage 3

If the Grievance Panel is not able to come to a final decision, alternative recourse by way of external mediation or arbitration may be taken in line with the Labor Law

3. *Withdrawal/Lapsing of Grievances & Disputes*

Aggrieved persons may withdraw a grievance or dispute, formal or informal, at any time. Written grievances should be withdrawn in writing and the person responsible for that stage of the resolution process advised. Parties to the resolution process will also be advised if a grievance or dispute is withdrawn or has lapsed. If an aggrieved person fails to provide requested information or participate in the resolution process without reasonable grounds, written notification will be sent to the aggrieved person warning them that the grievance or dispute will lapse. If there is no written or email response within 10 working days of the advice, the grievance or dispute will be deemed lapsed. A lapsed or withdrawn grievance or dispute cannot be reinstated unless the person seeking to do so shows good cause for the reinstatement to occur.

Internal grievances and disputes may be finalised without achieving resolution in instances when the grievance procedure, as outlined herein, has been exhausted. This may occur, for example, when it is determined that a grievance or dispute cannot be substantiated or where the Senior Management Group determines that an appropriate action or remedy has been undertaken to address the grievance.

4. *Documentation*

All information, correspondence and/or documentation associated with a grievance or dispute is highly confidential, thus all parties are to treat such information with appropriate and adequate security and confidentiality.

Records are to be collected in a manner that respects the privacy and confidentiality of all parties concerned.

All records and documentation are to be contained and stored within an individual file relative to the grievance or dispute.

All files are to be securely stored within a locked cabinet accessible to involved parties only.

Details of the dispute or grievance are to be made available to those parties involved in the resolution process only.