

Grievance Policy

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References:

The term 'company', 'the company' or 'company's' in this document refers to "Firstsource Solutions Limited"

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Purpose

Firstsource aim to ensure employees with a grievance relating to their employment can have them properly dealt with fairly and impartially, and we are committed to promoting effective working relationships and an environment in which employees feel able to raise work related issues.

The purpose of the grievance policy is to encourage communication so questions and difficulties arising during employment can be brought into the open and resolved quickly, fairly, and as close to the level of origin as possible.

It may sometimes be necessary to deviate from the procedure to give the grievance fair consideration. Where this is proposed, the reasons will be made clear to all parties.

Principles

You can raise a grievance informally or formally. We expect you to use the informal procedure first.

Managers will manage grievances as promptly as possible. The line manager will resolve grievances where possible. The informal and formal process can involve the same manager. The timescales provided may only be amended by agreement between the parties or where the manager decides there is a justifiable business reason.

On occasion it may be deemed necessary by HR to request an external legal representative undertake the grievance process on behalf of the company, where this is deemed necessary the employee will be informed.

If the reason for the grievance relates to alleged bullying, harassment, or discrimination, you must discuss this with your manager (or your line manager's manager) who will decide, in consultation with you, whether it is more appropriate to deal with your grievance under the Bullying and Harassment Policy. Complaints will not be pursued under two policies.

If your grievance is related to your dissatisfaction of another process for example Performance Management, you must ensure that all of the process including appeal stage has been exhausted before your grievance will be considered.

Where there is clear evidence, a grievance has been raised in a deliberate attempt to mislead an employer or in a malicious manner it may be appropriate to commence disciplinary proceedings against the individual.

Grievance Guidance

The company recognises that a formal grievance procedure has an important role to play in the workplace. But also, that many disputes could potentially be settled without the need to pursue a formal grievance procedure.

A formal procedure can mean an adversarial process. Once the conflict has escalated and positions have become entrenched, it is very difficult to alter people's perceptions and have an open discussion. The likelihood of a mutually acceptable outcome therefore becomes more remote.

The company therefore encourages employees to consider mediation and other alternative dispute resolution mechanisms. If the disagreement is resolved early on, there is less chance of the working relationship breaking down irrecoverably which improves the likelihood of maintaining good and productive working relationships in the long term.

Mediation

Mediation is held by a neutral person (a 'mediator'), who is impartial. The mediator is there to help both parties find a solution they can agree to, it is not judging who was right or wrong in the past but looks at how to agree on working together in the future.

Not all grievances are suitable for mediation and both parties need to agree to attempt to resolve their dispute through mediation. This can be pursued at any stage of the process and the formal grievance procedure will be suspended while the mediation takes place.

Requests for the involvement of a mediator should be made to either the HR Business Partner or HR Director.

Employee's Responsibilities

- To raise the grievance informally as soon as possible with their immediate line manager, their manager's manager, or HR.
- To provide evidence for their case, for example, by keeping a log of the incidents which are causing the grievance.

Manager's Responsibilities

- To listen objectively to the grievance from the employee's perspective and recognise that no grievance is trivial to the employee raising it.
- To seek to resolve the issue as soon as possible.
- To promote mediation and the benefits of the Employee Assistance Programme where appropriate.
- To be responsible for the application of this policy in their area.

Informal Procedure

If an employee wishes to raise a grievance, they should in the first instance, try to resolve the issue informally. It is recommended they try talking to the person whom the grievance is against as a first step. If this is not possible, or feels too uncomfortable, they should talk to either their Line Manager or a representative from HR.

This person will be able to help the employee with trying to resolve the issue quickly and informally. This may include organising a meeting with the person who has aggrieved them to help find ways to remedy the situation.

However, we understand, in certain circumstances the aggrieved employee may not be comfortable approaching the person directly, in this case the manager may need to act as mediator between both parties to try to resolve the issue.

In most cases it will be possible to resolve the issue informally, however we recognise there may be occasions when it is not possible for a grievance to be resolved informally and in these situations, the formal grievance policy should be followed as outlined in section

Formal Grievances

If it has not been possible to resolve the grievance informally, employees have the right to lodge a formal grievance which should include a proposed remedy put forward by the employee. Employees are advised to take advice from a HR representative, manager, or colleague prior to this as they will be able to advise on the likelihood of the proposed remedy.

A proposed remedy cannot:

- suggest someone be subject to a formal process,
- suggest someone lose their job,
- or that you be financially compensated.

The remedy should focus on what will resolve the situation and what is achievable.

A grievance may be brought by either an individual or a group of people.

The employee will need to provide evidence to support their case. In most cases it is helpful to keep a log of incidents if the grievance relates to behaviour which has been ongoing. It is important for someone to be clear about the issues of concern and how they would wish them to be resolved (the remedy).

A HR Representative will check all possibilities for resolving the grievance informally have been exhausted and may speak to the line manager (or their line manager if the grievance is against the employee's line manager) as part of that process.

If the grievance is not accepted the employee will be informed and will notify whether other processes are appropriate and advise on what to do instead.

Managing a Grievance

If an employee's grievance is accepted as requiring further action, HR will forward it to an appropriate manager to deal with, usually the line manager, unless it is deemed inappropriate.

They will advise the employee when this has happened, and who the manager is.

The manager will then have an initial meeting with a HR representative, the purpose of which is to advise on possible course of action to resolve the issue as quickly as possible. The process will include an investigation of the facts of the situation, often involving speaking to the person who raised the grievance, and the person who the grievance is against. After gather the facts, they will take action to attempt to resolve the grievance as soon as possible.

At this stage, a formal grievance meeting will be held, and the employee advised they can be accompanied by a trade union representative or a workplace colleague. During this meeting, the employee will be given the opportunity to explain their grievance and how they think it can be resolved.

If the grievance can be resolved at this meeting, the manager will confirm the outcome in writing with appeal rights. If further information or investigation is required, the meeting will be adjourned. In some cases, a discussion with HR may be needed to understand whether the investigation should be a grievance or disciplinary, which if so will be confirmed with the employees involved.

If the employee's grievance is a counter claim against someone who has raised a grievance against them, or a reaction to another policy being applied to them – for example improving performance or disciplinary – the two may be dealt with together if appropriate. Any counter claims should not be allowed to stop the original proceedings.

Due to the varying nature of potential grievances and the need to conduct investigations it is not possible to provide precise timescales for the resolution of the grievance process however investigations will be undertaken as quickly as possible, and the outcome communicated to you without unreasonable delay.

Investigations

If the facts of the grievance are not clear, it will be necessary to obtain further information, which will be confirmed in writing to the employee. All parties will be kept informed, with regular updates, including any reasons for delay.

If an employee is absent due to sickness while their grievance is being dealt with, they must follow the normal sickness absence reporting procedures. The manager will stay in touch with the employee during this time. It is important for employees to understand sickness absence will be dealt with in the usual way, and it will not stop the grievance from being progressed. It is in everyone's interest to resolve it as quickly as possible.

Grievance Outcome

Once the fact-finding or investigation is complete, the complainant will be invited to a reconvened meeting with the manager, where the findings will be discussed with the employee, and whether it is possible to resolve the issue with the remedy suggested.

It is important to note conclusions will be based on the balance of probabilities, if the remedy cannot be delivered in full, the manager should explain the reasons and may tell the employee what alternative remedy they suggest. The manager must give the employee an opportunity to respond, and whilst a mutually agreeable outcome is preferable it is not always achievable in practice.

After the meeting, the manager will confirm in writing whether the grievance was upheld or rejected; if it was upheld, what the remedy is and when this will happen. The employee will be reminded of their right to appeal.

Following this, the manager will meet with the person whom the grievance was raised against, to inform them of the outcome and next steps. The manager will communicate any actions they need to take to resolve the issue and will be confirmed in writing.

If it becomes apparent during the investigation or is an outcome of the investigation that disciplinary action against the alleged perpetrator is appropriate, HR will be informed, and the Disciplinary Policy will be invoked. The person who raised the grievance will be informed that formal action under the disciplinary policy is to be taken, however no further detail will be given, this includes the level of the sanction, as this is confidential.

Appeal

If you feel that your grievance has not been satisfactorily resolved, you have the right to raise an appeal. Your request for an appeal should be submitted to the Human Resources Manager in writing within five working days of you receiving written confirmation of the outcome of the formal grievance meeting.

A further meeting will be arranged so that you can discuss your grievance. The principles described above will be adopted for the appeal hearing.

Decisions made at this point are final and the grievance procedure is concluded. There is no further right of appeal following the appeal hearing unless in exceptional cases of bullying/harassment and cases of discrimination where you will be notified of this in your outcome letter.

Support Available

Dealing with a grievance can be a stressful process and if at any time during the process the employee feels stressed or upset, they can contact the Employee Assistance Programme who can help to manage these feelings.

Managers dealing with grievances should consider talking to either party individually about how they are feeling following this process if they think it may be of benefit to anyone struggling with the process.

Grievances can be incredibly stressful for both parties; managers need to recognise this and be ready to offer support to help them recover from the situation. This could include:

- Thinking about what the rest of the team need to know and how to communicate this sensitively.
- Looking at preventing further issues – do they need to change the way the team works together?
- Commissioning team conflict resolution, mediation, or coaching interventions as appropriate.
- Making both employees aware of the Employee Assistance Programme, who can offer help and support to them in many ways, from suggesting ways to cope with stress, to offering counselling.
- Acknowledging they may find work difficult for a few weeks, so being prepared for a slight temporary dip in performance, and a need for patience, help and support to get them back up to speed.

Please note this policy is not contractual and may be amended in line with changes in business needs.

Appendix 1 – Grievance Flow Chart

