



**AfricaRice**

# **GRIEVANCE POLICY AND PROCEDURES**

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## **1. Introduction**

AfricaRice is committed to providing a work environment that respects the rights and dignity of its employees and is free from all forms of discrimination or unfair treatment. It is of primary concern to AfricaRice that all employees are treated fairly and equitably.

The Board and management of AfricaRice recognize that from time to time occasions may arise when a staff member feels that s/he has not received fair treatment or obtained the understanding she/he was expecting, either from the Center or from a supervisor or manager. This policy sets out the procedures to be followed to ensure that the staff member is given the opportunity to voice his/her dissatisfaction and to seek redress in a fair and transparent manner.

Grievances are concerns, problems or complaints raised by an employee. When grievances arise that involve another employee or other employees, the aggrieved employee must first make a good faith effort to resolve the matter by direct approach with the employee or employees involved. When the direct approach does not resolve the grievance, the staff member can pursue a satisfactory resolution through three stages: (1) informal, (2) formal and (3) appeals.

## **2. Principles of the policy**

This policy and set of procedures are guided by the following principles:

- It is only possible to hear complaints that are within the power of AfricaRice to remedy;
- All proceedings, whether informal or formal, should so far as is practicable, remain confidential;
- An employee has the right to be accompanied by his/her work colleague at every stage of these internal procedures and do not allow for external representation;
- All parties in a grievance must represent the facts surrounding the grievance with full transparency and integrity;
- In the case of formal proceedings, a written record of a hearing will be given to the employee. In some cases determined to be more serious the hearing will be tape recorded and a copy given to the employee;
- The timeframes set out may be extended with the agreement of the parties;
- Where more than one employee has lodged a complaint relating to the same or substantially the same issue, the complaints may be dealt with together in the interest of fair and consistent decision-making;
- Punitive actions cannot be taken against an employee by the Center for lodging a grievance following these prescribed principles and procedures;
- If there is mutual agreement all parties in a grievance may request mediation. Mediation is a procedure where a third party is requested to assist two or more AfricaRice employees to manage or resolve a grievance, by helping them to find a mutually acceptable agreement. Mediation may particularly be recommended when the Executive

Management Committee (EMC) comprising of the Director General, Deputy Director General, Director of Administration and Finance and Director of Partnership and Capacity Strengthening, is one of the parties involved in the grievance case. Parties wishing to engage in mediation must agree on a mediator. The mediator's role is to use, with integrity and confidentiality, all means for promoting dialogue and obtaining an agreement satisfactory to both parties. The Human Resources Department will provide logistical and administrative support to facilitate the work of the external mediator.

- These procedures apply to all AfricaRice employees and will be reviewed periodically in line with further development of good practice.

### **3. Informal stage**

When the direct approach to resolve a grievance does not succeed to the employee's satisfaction, s/he may request in writing a meeting with her/his supervisor or manager, who will try to resolve the issue. The meeting should be held within 10 working days following the submission of a written request.

If the action taken by the supervisor or manager to resolve the grievance does not satisfy the employee, s/he may proceed to the formal stage of the procedure.

If the complaint is against the supervisor or manager, or if there is any other reason why the employee does not wish to raise it or pursue it with her/his supervisor or manager, s/he should seek advice from HR Office on how to deal with the complaint.

### **4. Formal stage**

If the complaint has not been resolved at the informal stage and the employee wishes to proceed to the formal stage, s/he should write a letter of complaint to the Head of Human Resources Services (or the Director of Administration and Finance if the Head of HR is directly involved) and the complaint will be heard by a Grievance Panel. The written complaint should fully explain the nature of the complaint and the reasons why the employee is dissatisfied with the outcome of the informal stage. The employee should also propose how s/he wishes the matter to be resolved. A copy of the written complaint must be sent to the complainant's supervisor or manager except in cases where the supervisor or manager is party to the proceedings. The purpose of the Grievance Panel is to reach an equitable solution to the grievance.

The Grievance Panel shall consist of four (4) staff members as follows:

- i. One Representative of the Executive Management Committee;
- ii. One representative of the Internationally Recruited Staff (designated peer of the complaining staff if IRS, preferably in similar function);

- iii. One representative of the General Support Staff (designated peer of the complaining staff if GSS, preferably in similar function);
- iv. The Head of the Human Resources services (Conciliator).

The Grievance Panel members are selected by the Director General on the advice of the Head of Human Resources Services. The Grievance Panel selects its own chair.

Should there be a need for more information before the problem can be resolved, the Grievance Panel may appoint an investigating officer who will investigate the matter and provide a full written report together with any relevant documents. The investigating officer should be a member of the Panel. The investigation should be conducted as quickly as possible while allowing for all relevant information and evidence to be gathered. A timescale for this will be agreed between the Grievance Panel and the investigating officer.

Should the complaint be against a named individual or individuals, the HR Office will give them a copy of the complaint at the earliest opportunity. The individual will present their response at the hearing. If the information available through this submission is judged to be sufficient, the Panel may decide that further investigation is unnecessary.

If the grievance is against an individual a hearing will be held by the Grievance Panel within 10 working days of receipt of the complaint. The employee will be notified five working days before the hearing is to be held. The employee may request an alternative date to allow up to an additional five working days.

Any relevant written information or evidence must be made available to all parties at the earliest opportunity, and in any case no later than 24 hours before the hearing. All parties involved will be allowed to attend and make representations at the hearing. Witnesses may be called. Refusal by any parties to attend shall not invalidate the proceedings. The Panel, in seeking to resolve the complaint, may adjourn the meeting or defer a decision if more information is required.

The decision of the Panel, reasons for the decision and any redress will be communicated to the employee who has made the complaint. When the complaint is against an individual, both parties will be given a copy of the decision. This will be handed to the employee whenever possible or posted directly by recorded delivery to the employee within three days of the hearing and to the employee's representative, when applicable.

## **5. Right of appeal**

Any staff member who is dissatisfied with the decision of the Grievance Panel has the right of appeal to an Appeals Committee. Should the complainant wish to appeal against a decision, s/he must do so in writing to the Director General within 5 working days of being informed of the decision reached by the Grievance Panel in the formal stage. The Director General will forward the request to the Appeals Committee within 10 working days of the receipt of the request.

An appeal against the formal stage decision is allowed provided that the grounds of appeal are: (1) related to the procedural correctness of the grievance process, or (2) a claim that the decision is unjust, because of prejudice, or (3) unreasonable, because of disproportionate punishment in relation to the offence, or (4) unwarranted, because it is claimed that the offence did not take place.

Action based on expiration of a Fixed Term appointment redundancy or retirement is not disciplinary in character, nor may such action form the basis of grievance. In most cases it is expected that staff members and their supervisors will be able to resolve difficulties before involving the appeals procedure, and evidence that attempts at conciliation have been made will form part of the inquiries of an Appeals Committee.

## **6. The Appeals Committee**

The Appeals Committee is an ad hoc body convened by the Director General or his designate within 10 working days of the lodging of an appeal.

The Appeals Committee includes 4 members all of whom are different from the Grievance Panel members:

- i. a representative of the Executive Management Committee;
- ii. a designated peer of the staff (preferably in similar function);
- iii. a member at large, appointed by consensus by the two above;
- iv. a representative of the Human Resources Office (as observer).

Any person who has been substantively involved in the case pending investigation, e.g. the relevant supervisor, is excluded from serving on the Appeals Committee.

The Appeals Committee selects its own chair.

## **7. Procedures of the Appeals Committee**

The Appeals Committee may summon any person or examine any evidence which it deems pertinent to the case under discussion. The staff member who has lodged the appeal has the right to see all such information submitted to the Appeals Committee, and/or to delegate another staff member to act for him or her. The staff member has the right to make a written or verbal presentation to the Appeals Committee of his or her case.

Within 20 working days of the convening of an Appeals Committee, a written report of the recommendation of the Committee is submitted to the Director General. The report must represent the majority view of the Appeals Committee. The report is prepared by the Chairman of the Appeals Committee in the form of a summary of the background to the appeal, a report of the proceedings and the recommendation of the Committee. If the grievance concerns a penalty

that had been imposed on the employee who lodged the grievance, the recommendation may repeal, reduce or uphold the penalty.

On receipt and review of the report, the Director General may question any of the committee members or the staff member for clarification, before a final decision is made. When the Director General has reached a decision, which must occur within 10 working days after the submission of the report, this is communicated to the staff member in writing. A copy is sent to each member of the Appeals Committee, to the Head of Human Resources Services and to the relevant supervisor. This decision is binding in all cases except when the staff member is contesting termination of service (including summary dismissal), when a further appeal may be made to the Chairman of the Board or his/her representative.

*Policy approved (1<sup>st</sup> January 2015)*