

RESOURCE DEVELOPMENT FOUNDATION (RDF)

Staff Grievances and Dispute Resolution Policy

DECEMBER 2021

House # 21, Road # 12, Pisciculture Housing Society, Sheker Tek, Adabor, Dhaka-1207


28.12.2023



GLOSSARIES

Respondent -	The Accused person.
Investigator	The committee formed by Senior Management Team or the Chief Executive Officer to conduct formal investigation against any formal grievances/disputes.
Participant:	Both the accused person and the complainant of any grievances/dispute.
Support Person:	Each of both "Accused Person" and the "Complainant" may choose to have presence of one person whom they feel reliable and be supportive during the investigation process.


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INTRODUCTION

Open communication and feedback are regarded as essential elements of a satisfying and productive work environment.

Resource Development Foundation (RDF) encourages its employees and consultants to resolve any issues or concerns that they may have at the earliest opportunity with each other or, failing that, their immediate supervisor/Line Manager.

The preferred process involves employees and consultants resolving issues to their satisfaction internally, without feeling they have to refer to external organisations or to authorities for assistance.

PURPOSE

The purpose of this document is to provide an avenue through which employees and consultants, and their managers/authority, can resolve work-related complaints as they arise.

POLICY

RDF will establish mechanisms to promote fast and efficient resolution of workplace issues.

Employees and consultants should feel comfortable discussing issues with their manager or supervisor in accordance with the procedures outlined below.

All formal avenues for handling of grievances will be fully documented and the employee/volunteer's wishes will be taken into account in determining the appropriate steps and actions.

No employee will be intimidated or unfairly treated in any respect if they utilize this Policy to resolve an issue.

This Policy applies to permanent and part-time paid employees and to volunteer workers.


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STAFF GRIEVANCES AND DISPUTE RESOLUTION PROCEDURES

RESPONSIBILITIES

It is the responsibility of **Managers and Supervisors** to ensure that:

- They identify, prevent and address potential problems before they become formal grievances;
- They are aware of and committed to the principles of communicating and information sharing with their employees and consultants;
- All decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organisation in general;
- Any grievance is handled in the most appropriate manner at the earliest opportunity;
- All employees and consultants are treated fairly and without fear of intimidation.
- They keep the HR department informed about the problems identified, prevented and solved before it became a formal grievance.

It is the responsibility of **Employees (including consultants)** to ensure that:

- They attempt to resolve any issues through their immediate supervisor and through internal processes at the earliest opportunity.

It is the responsibility of the **Human Resources Department** to ensure that:

- All managers, supervisors, employees and consultants are aware of their obligations and responsibilities in relation to communication and information sharing with their employees;
- Ongoing support and guidance is provided to all employees in relation to employment and communication issues;
- All managers, supervisors, employees and consultants are aware of their obligations and responsibilities in relation to handling grievances;
- Any grievance that comes to the attention of managers or supervisors is handled in the most appropriate manner at the earliest opportunity.

PROCEDURES

Employment Practices

All managers and supervisors should be aware of the possible ramifications of their actions when dealing with employee/volunteer issues. They must ensure that all employees and consultants are treated with fairness, equality and respect.

If there are any doubts or queries in relation to how to deal with a particular set of circumstances, managers or supervisors should contact the Human Resources Department for advice at the earliest opportunity.

Where a grievance or dispute has been brought to a Manager's attention, they should assess whether the employee involved is covered by an Award or Agreement, and if so should refer to that document for grievance procedures. If the employee or volunteer involved is not covered by such a document, the guidelines below should be followed.


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Grievances and Dispute Resolution Procedure

An employee or volunteer who considers that they have a dispute or grievance that they have not been able to resolve directly with any other involved party should raise the matter with their immediate supervisor as a first step towards resolution. The two parties should discuss the matter openly and work together to achieve a desired outcome.

The Manager or Supervisor should follow the steps outlined below:

- Make sure that the employee feels listened to and supported. You don't have to agree with what they say, but you must make sure that they know you will act on their concerns.
- If more than one person is present, establish the role of each person.
- Outline the process that is to be followed.
- Inform the parties that any information obtained in the conduct of the review is confidential.
- Listen to the complainant. Obtain a chronology of events (who, what, why, when, how etc).
- Run through the applicable policies and procedures (e.g. the organisation's HR policy, Gender Policy, Anti-discrimination Policy) with the complainant.
- Ask the complainant what kind of outcome they are expecting for (best case scenario) and then talk to them through next steps: e.g. you will discuss the matter confidentially with the HR manager or ED to determine a way in which to deal with the issue and report back to them within a set timeframe.
- Explain the complainant about the organisation's confidentiality and non-victimisation ethics/policy. Explain that they cannot be adversely affected because they have made a complaint, and explain who to report matters to internally (e.g. to HR Manager) if they do feel that they are being adversely affected.
- Provide the complainant with plenty of time to ask questions. Do not ask any such question which may lead the complainant to feel uncomfortable.
- Offer the complainant assistance (such as counselling through an Employee Assistance Program) or a way to get home safely if they are visibly upset.
- Provide the complainant with a direct contact number that they can call if they have any concerns or queries.
- Take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation. Read out the notes in front of the complainant and take her/his signature as consent on the notes.
- If deemed necessary, provide the employee/volunteer with a written summary of the meeting and clarification of the next steps to be taken.

The Manager must ensure that the manner in which the meeting is conducted will be conducive to maintaining positive working relationships, and will provide a fair, objective and independent analysis of the situation.

All parties are to maintain complete confidentiality at all times.

If the matter is not resolved and the employee or volunteer wishes to pursue it, the issue should be discussed with a Human Resources Officer, then, if necessary, the CEO. Again, the matter is to be discussed openly and objectively with management to ensure it is fully understood. If the grievance/dispute is one of a confidential or serious nature involving the employee or volunteer's Manager, the complainant may discuss the issue directly with the Human Resources Department or the CEO. The CEO reserves absolute discretion as to making a final decision as to how the grievance or dispute will be resolved.

Investigation Procedure of a Grievance or Dispute

Procedural fairness and transparency can make or break a workplace investigation. Maintaining procedural fairness means that authority can:

- protect the interests of the participants in the investigation;



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- enhance the credibility of the investigation process;
- rely on the investigation (and the findings) when making employment decisions; and
- defend your employment decisions in a court or tribunal.

Following are some pointers to ensure that a workplace investigation is procedurally fair. Senior Management Team-SMT/CEO will form an Investigation Committee (not less than 3 members, with at least one female member if any female staff member is involved in the grievances/dispute). The investigators should ensure that:

- The respondent is aware of all the allegations made against them in sufficient detail;
- The respondent is allowed a reasonable opportunity, including adequate time, to respond to each of the allegations;
- The investigation is carried out in a reasonable time frame determined by the SMT/CEO;
- All participants are offered an opportunity to have a "Support Person" in the interviews pertaining to the investigation;
- All participants are required to maintain confidentiality and sign a confidentiality agreement;
- The investigators have no personal interest or bias in the matter being investigated;
- All participants are given the opportunity to respond to any contradictory evidence;
- The investigators make reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.
- The investigators do not use any comment/words (even as fun) to anybody/anywhere during the investigation process by which the accused person and the complainant may feel embarrassed and/or uncomfortable.

The Importance of Impartiality

It is critical to ensure that the persons responsible for carrying out an investigation are impartial. The investigators must NOT have a vested interest in the outcome of the matter. Employees will often consider that a HR manager is not sufficiently impartial because of their involvement and role in the workplace. If such a concern is raised, it's important to consider:

- Whether the use of an external investigator (within the organization but other HR department) is necessary to ensure impartiality;
- Whether any conflicts of interest need to be disclosed (e.g. if any individuals are friends outside the workplace); and
- Whether the investigators have handled any previous disciplinary matters.

If there is the possibility that a person's employment will be terminated if the allegations are proven as part of an investigation, then you should seriously consider the use of an external investigator to ensure that your investigation and the process followed will stand up in any potential court proceeding.

Annex:

- 1) Template: Confidentiality and non-victimisation agreement
- 2) Template: Investigation terms of reference


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CONFIDENTIALITY AND NON-VICTIMISATION AGREEMENT

(This can be separate sheet for Complainant and the Accused)

I, [**name:**], [designation:] understand that:

This investigation (Ref: Complaint no, date), and all discussions and information regarding the investigation, will remain confidential; and

No individual is to be victimized or bullied because of their involvement in this investigation; and

If I have any concerns regarding confidentiality, victimization or bullying as a result of this investigation I will immediately notify to **[appropriate contact person]** on **[contact details, designation, address, cell phone number]**.

**Name, Designation and Signature:
of the Investigators**

Signature of the Complainant

1)

.....

Name & Designation

Name and Designation

2)

Signature of the Accused

Name & Designation

3)

Name and Designation

Name & Designation

Date.....

Hosh
28.12.2023

[Signature]

TEMPLATE - TERMS OF REFERENCE OF AN INVESTIGATION

Note: How to use this template

The Terms of Reference (TOR) for an investigation provides a specification for exactly what the Investigation Team needs to do and how the investigation should be conducted. It includes key information about the roles of the different people involved and the timescales to work to.

This template provides some standard wording around the conduct of investigations and highlights where the Investigation Assigning Authority needs to insert particular pieces of information. By using this template Investigation Committee can be confident that they have complied with relevant policies (e.g. HR Policy, Gender Policy, Child Protection Policy, Grievance and Dispute Policy etc) and that the Investigation Team will be clear on their role.

TITLE: An investigation into [insert title of investigation here, e.g. financial misappropriation by -----, or complaint against ----- by ----- dated.....]

Introduction

A disciplinary investigation is required to establish the facts relating to an allegation of misconduct. The findings of this investigation should be documented in a report that may inform a disciplinary process. These terms of reference set out how the investigation should be conducted and how and when the report should be submitted.

The investigation Team Coordinator

The investigation team is formed comprising 3 members, named, _____, _____ and _____. The investigation team coordinator will be [name: Mr./s. _____]. The role of the Investigation Team is to own the investigation and take decisions relating to it. The Investigation Team will lead all of the investigation meetings and reply to any queries from people involved in the investigation. The Investigation Team is accountable for the completion of the investigation and submission of the final report.

The role of the other Members of the Investigation Team is to provide procedural and other advice to the Investigation Team Coordinator and attend investigation meetings and interviews. The members of the team will be able to take notes of the investigation meetings.

How the investigation will be conducted;

This investigation is to be conducted in a fair, impartial and timely way. The investigation is not intended to 'build a case' against an individual but to establish facts and make recommendations based on the application of RDF' HR & Admin and other policies to those facts.

Given the potential sensitivities inherent in investigations, it is important that everybody involved in this process respects confidentiality and acts with discretion. The Investigation Team is responsible for role modelling these behaviours and ensuring that the witnesses interviewed understand that they also need to respect the confidentiality of this investigation.

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[Signature]

The matters to be investigated

The matters to be investigated are:

Term of Reference:

To establish the facts surrounding an allegation that *[attach a copy of the allegation/complaint or list of irregularities/misappropriation/misconduct noticed/apprehended]*.

All relevant policy documents are available with HR& Admin Dept. for the Investigation Team which would be used as reference documents for justification of the recommendations to be made.

Timescales

It is expected that the investigation will be completed by *[insert target completion date, e.g. date within one week]* and that a report will be submitted to *[insert name]* by *[insert deadline date]*. Investigation Teams are reminded that undue delay can, in itself, be considered prejudicial. Against that background the reasons for any delays, and actions to mitigate the impact of those delays, should be clearly recorded.

The investigation Report

The investigation report will comprise an overview of the facts that have been established and if any that remain unclear. The report will include a view on whether or not there is a case to answer. The test here is whether on a 'balance of probabilities' it is more likely than not that misconduct has taken place.

If the Investigation Team has any questions or concerns about this investigation they should seek advice initially from their supporting colleague and then from the CEO/Director/Asst. Director/Regional Manager who has commissioned the investigation.

The investigators will also list out the details of the witnesses they have interviewed along with their statements.

The investigator will provide clear recommendations and justifications against their recommendations referring to the clauses of appropriate policy document(s) of the RDF.

The Report will be signed by all members of the Investigation Committee. If anyone of the member(s) has any dispute on the process of the investigation, recommendations etc, will put her/his/their "Note of Descent" on the report.


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Signature of the Assigning Authority (CEO)

Date: