

## Grievance and Disciplinary Policy & Procedure

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### Purpose

The purpose of this policy is to give guidance and to provide a framework for all employees and learners Lasting Impressions Training to deal with grievances raised effectively, and at the earliest possible stage.

### Definition

**The mild grievance:** This type of grievance does not involve a dispute of facts or require that evidence be lead to understand the nature of the grievance. The superior or official can easily ascertain the nature of the problem and feels that he/she is capable of resolving the grievance without assistance. For example a worker or learner lodges a complaint about the unclean state of the toilet facilities.

In this instance the superior is required to follow the Informal Grievance Investigation Procedure.

**The serious grievance:** This type of grievance revolves around a dispute of facts and further evidence or witness testimonies may be necessary to understand the nature of the grievance. Alternatively the superior or official does not feel he/she is capable of resolving the grievance without assistance. For example, one worker or learner claims another worker or learner hit him during their lunch break.

In this instance the grievance must be channeled through the formal Grievance Hearing Procedure.

**The sensitive grievance:** The sensitive grievance may include grievances about discrimination, sexual harassment and other forms of harassment, victimisation etc. In this instance the grievance must be channeled through the formal Grievance Hearing Procedure.

### Scope

The policy shall apply to all employees and learners of Lasting Impressions.

### Policy Application

The objects and purposes of the Grievance Procedure will only be achieved if it functions effectively and is properly utilized. In light of the above. Lasting Impressions Training is committed to ensuring that:

- Employees and learners are aware of the opportunity to express grievances.
- Employees and learners feel free to express their grievances without the fear of victimization or intimidation or prejudice to their employment relationship.
- Employees and learners are encouraged to use the procedure, but also warned not to abuse it with false grievances.
- Sensitive grievances are dealt with privately, and confidentiality of information is maintained.

The organization, in accepting this policy gives commitment to the following:

- The resolution of all grievances timeously.
- Recognizing the employees' and learners' right to be represented by a fellow employee or learner if he/she wishes to do so.
- Ensuring that Management handles grievances with the Human Resources Department acting in an advisory capacity.
- Creating an environment in which an employee or learner may lodge a grievance without fear of being victimized or prejudiced.

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- Ensure that all grievances are handled in a confidential manner.
- Ensure that each step in the procedure shall be subject to the stipulated time limits, unless otherwise determined by the parties through mutual agreement.

### Procedure

#### 1. IDENTIFICATION AND PRELIMINARY INVESTIGATIONS

- Employees and learners must be informed of their rights to lodge a grievance and where the applicable Grievance Application Form can be obtained.
- All grievances may be lodged with management/Human Resource Department if the employee or learners feels more comfortable doing so.
- No employee or learner may leave his/her normal place of work/learning or engage in any grievance discussion without prior permission, and such permission shall not be unreasonably withheld.
- Assistance must be offered if necessary by the superior/or any relevant official in lodging such a grievance and completing the Grievance Application Form.
- The official must consider the nature and type of the grievance lodged and based on this assessment make a decision as to the best grievance resolution procedure to follow. The mild grievance can be dealt with via the informal investigation route, however a serious grievance and sensitive grievance requires a formal hearing. The appropriate procedures to follow are discussed below.

#### 2. THE INFORMAL GRIEVANCE INVESTIGATION

- The aggrieved employee's superior or learners facilitator, or person with whom the grievance has been lodged must ensure the Grievance Application Form has been correctly completed and the grievance is clearly understood.
- The superior or official must then discuss the grievance and proposed corrective action with the employee or learner in private. The decision on corrective action, if any, must be detailed on the Grievance Application Form.
- The aggrieved employee or learner / employee or learner representative or witness must sign the Grievance Application Form.
- If the employee or learner is dissatisfied with the decision he/she may lodge an appeal within 5(five) working days of the outcome being received.
- If the employee or learner is satisfied with the decisions, the corrective action must be implemented and recorded on the form.

#### 3. THE FORMAL GRIEVANCE HEARING

- A chairperson must be arranged to conduct the grievance hearing.
- The employee must be notified of the grievance hearing in writing.
- Ensure the aggrieved employee/s or learner/s receive such notification at least 2(two) working days before the Grievance Hearing so as to allow sufficient time to prepare.
- If the grievance has been lodged against another party such party must also receive the notification of the hearing and of his/her rights, as well as the grievance/s lodged, at least 2(two) working days prior to the hearing.

#### The Grievance Hearing: Phase 1

- The chairperson must advise the parties present of the purpose of the hearing and their rights during the hearing.
- The aggrieved employee or learner or employee or learner representative must then be given an opportunity to motivate the grievance.

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- The person against whom the grievance was lodged must be given the opportunity to respond to the grievance.
- Both parties may present evidence/ call witnesses to motivate their case. Both parties may also cross question witnesses.
- The Hearing may be adjourned at this stage if necessary.

### Finding on the Facts

- The chairman must now make a finding on a balance of probabilities on the validity of the grievance.
- If the grievance is found to be invalid, the findings must be recorded in writing and signed by the aggrieved employee or learner/ employee or learner representative or witness.
- The aggrieved employee or learner must also be advised of his/her/their right to appeal within 5(five) working days of receiving the outcome and of the applicable
- Application for Appeal Form to complete.
- If the grievance is found to be valid, the Grievance Hearing: Phase 2 needs to be conducted.

### The Grievance Hearing: Phase 2

- The chairman must present the finding on the validity of the grievance and permit both the aggrieved employee/s or learner/s and other party an opportunity to present suggestions for corrective action.
- Responses and discussion as to the feasibility of such suggestions must be entertained.
- Both parties must be questioned as to whether they are satisfied with the proceedings.

### Corrective Action

- The chairperson must decide on the most effective and viable corrective action and advise the employee or learner in writing of the decision made on the Outcome of Grievance Hearing Form.
- The chairperson must ensure that such corrective action is implemented and that progress is recorded. The employee or learner must also be advised of his/her right to appeal against the decision within 5 (five) working days of receiving the outcome if he/she is dissatisfied.

### Communication of Policy

This policy will be circulated to all staff and learners enrolling with Lasting Impressions. Staff will attend a workshop while learners will be informed of the policy during orientation programme.

### Evaluation and Review

This policy will be evaluated on a regular basis and reviewed once annually.

### Documentation

- An approved master copy (hard-copy) of the Grievance Policy;
- An electronic copy of the Grievance Policy;
- A signed circulation list of employees that received the Policy.

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## APPENDIX | GRIEVANCE FORM

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Findings and comments of first official: .....

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Findings and comments of second official: .....

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Findings and comments of third official: .....

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Full Statement by Complainant: .....

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Signature:

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Date:

