



**SONIC HEALTHCARE
UK**

Staff Policy

Sonic Healthcare UK - Grievance Policy and Procedure

Version 2



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1 Introduction

- 1.1.1 Sonic Healthcare UK encourage all employees to role model the company core values at all times when both at work and representing the company. Where an employee is concerned standards or behaviour within the organisation do not reflect the core values it may be necessary for them to raise these concerns through a formal channel.
- 1.1.2 The following grievance policy outlines the escalation process all employees should use when they have a concern they wish to raise with the company. By following the process there is clear guidance outlining how to raise a concern, allowing for an open and transparent culture within Sonic Healthcare UK where issues raised are fully investigated.

2 Purpose

- 2.1.1 The following policy sets out a clear pathway for employees wishing to raise a concern regarding their employment. By defining a structure Sonic Healthcare UK are able to ensure employees are listened to and know how to escalate concerns.
- 2.1.2 The policy covers both the informal and formal route which should be implemented if an employee is dissatisfied with an aspect of their employment. Before moving to the formal process, the employee must raise the concern informally with their Line Manager to give the manager the opportunity to work with the employee to resolve the matter where possible.
- 2.1.3 Where the informal process has been exhausted without resolution a formal process is outlined and should be instigated by the employee, where appropriate, following the informal.
- 2.1.4 With regards to whistleblowing, there is a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice.

3 Duties

3.1 Employee's Responsibilities

- Fully comply with Sonic Healthcare UK's code of conduct and always act in line with the company's core values.
- Where a grievance has been raised engage fully with the following process.

- Report any concerns within a reasonable time frame to allow for a thorough and fair investigation into the matter to take place. Where significant time has passed it may not be possible for Sonic Healthcare UK to consider the matter due to a lack of evidence available.
- Engage in proposed resolutions put in place, both during the formal and informal stages, to resolve a concern.

3.2 Line Manager's Responsibilities

- Address any concerns raised by an employee in a timely manner.
- Where appropriate, fully investigate a complaint and implement any other necessary management procedures e.g. Investigation and disciplinary.
- Seek to resolve the concern at the informal stage.

3.3 Trade Union Representative's Responsibilities

- Support the employee with understanding the following policy and encourage the employee to engage fully with the process.
- Where appropriate, support the employee with structuring a written grievance, using the grievance form in Appendix 2, to ensure the points raised are clear, evidence is presented and a desired outcome is considered.

3.4 Human Resources Department Responsibilities

- Support all parties with understanding the following process.
- Advise managers on best practise when dealing with a grievance.
- Ensure there is fairness and consistency when implementing the following policy across the business.

4 Definitions

Grievance

A concern or complaint an employee has regarding an aspect of their work.

Collective Grievance

When more than one employee wishes to raise the same concern, the complaints will be dealt with together as a collective grievance in order to avoid repeating investigations which are already taking place.

Mediation

Mediation is process in which someone impartial supports the parties involved in the grievance in finding a solution and way forward which is acceptable to both parties. Mediation is voluntary and confidential and may be offered to those involved in the grievance process as a potential recommended outcome.

5 Policy Development

5.1.1 Every 2 years or in light of legislative changes or further guidance being issued and at Management or Staff Side request.

6 Policy Principles

6.1.1 Sonic Healthcare UK will provide a fair, consistent, and effective method of dealing with formal grievances and concerns raised.

6.1.2 The Company acknowledges the rights of employees to:

- a) Know the standards expected of them.
- b) Give an adequate explanation of faults or failings.
- c) Respond to any alleged conduct issues.
- d) Be represented during formal grievance procedures by a colleague or recognised Trade Union representative.
- e) Appeal against an appeal outcome.

6.1.3 There may be times when investigating a grievance leads to formal disciplinary action. No formal disciplinary action will be taken against an employee until the matter has been fully investigated and considered by Management.

6.1.4 Whilst the grievance is being investigated, Sonic Healthcare UK may suspend the employee on full pay (with the exception of suspensions for no right to work) for such period as is necessary. Alternatives may also be explored, for example, a temporary change to shift patterns, working days or departments.

6.1.5 Employees will be given 5 working days' notice of any formal meetings.

6.1.6 It is the employee's responsibility to arrange for their colleague or recognised Trade Union representative to attend the meeting. If the chosen representative is unavailable the meeting will be rescheduled within 5 working days. If this is not possible the employee will be required to select an alternative representative as to not delay the process.

- 6.1.7 If the colleague is unable to attend the formal meeting, a second meeting may be rescheduled where possible and agreed by the chair. Where the employee fails to attend formal meetings without just cause or the employee fails to attend for a second time, the meeting may go ahead in their absence and the manager will make a decision based on the evidence available at the time.
- 6.1.8 Where an employee is unable to attend a formal meeting, they may wish to submit a written statement instead which must be received by the manager prior to the meeting in order to be considered.
- 6.1.9 To ensure an accurate record of any formal meetings is kept, a member of the HR department will take notes of the meeting. These notes will be shared with the employee within 5 working days of the meeting and the employee will have the opportunity to make any amendments they feel necessary to ensure accuracy.
- 6.1.10 As minute notes are being taken no recording is permitted within formal meetings. This includes meetings that are held remotely via telephone or video conferencing. Any attempt to covertly record a meeting without authorisation from all parties present may result in disciplinary action.

7 Policy Procedure

7.1 Informal Stage

- 7.1.1 If an employee is dissatisfied with any aspect of their employment, they must attempt to resolve the matter informally by discussing it with their Line Manager, where this is appropriate. If this is not possible, it is best to discuss with the manager above their Line Manager. The employee needs to state the remedy they are seeking as an outcome.
- 7.1.2 By addressing concerns informally within the department Line Managers are able to quickly and effectively deal with any issues before they escalate.
- 7.1.3 A concern should not be raised formally without first going through the informal stage. By raising a concern informally, it allows the Line Manager to work quickly and efficiently with the employee to address the concern. When bypassing the informal stage, the Line Manager is not given the opportunity to seek a resolution for the employee.

7.1.4 Where an employee does not allow the Line Manager the opportunity to resolve the concern, or where they refuse to partake in the Line Manager's attempts to find a resolution the grievance will be closed down at this point and will not progress to the formal stage.

7.2 Grievance Categories

7.2.1 If following the informal stage an employee is still dissatisfied and wishes to make a formal grievance, they must initially consider the category this grievance falls into. This is to support the Grievance Hearing Manager in fully understanding the nature of concern that is being raised.

7.2.2 Formal grievances must fall into one of the following four categories: pay, health and safety, bullying and harassment and discrimination.

7.2.3 Grievances relating to pay – pay queries must always be escalated via your Line Manager as they are responsible for overtime payments, holiday and sickness reporting, changes in salary and leave deductions. Where a pay query cannot be resolved, an individual may explore raising a grievance following the below process under the pay category.

7.2.4 Health and safety – Where an employee's concern is related to their work environment and the safety of themselves or colleagues within the workplace this should be raised under the health and safety category. Concerns should be raised via the Departmental Safety Officer, Line Manager and Health and Safety Admin team in an attempt to resolve the issue prior to instigating a formal process.

7.2.5 Bullying and harassment – In situations where the grievance being raised falls into the bullying and harassment category the employee will be required to provide evidence to demonstrate that bullying and harassing behaviour has taken place. The distinction between bullying and harassment and a clash of personalities within the workplace must be made. There may be occasions where employees do not agree or would not engage outside of a professional setting, however all parties are expected to act professionally with each other in the workplace. Failure to act professionally should be managed by the Line Manager in line with Sonic Healthcare UK's Investigation and Disciplinary process but would usually not constitute as a bullying and harassment grievance.

- 7.2.6 Discrimination – Where a colleague feels they have been discriminated against on the basis of a protected characteristic (as defined within the Equalities Act 2010) they may raise a grievance under the discrimination category. When submitting a discrimination grievance, the employee will be expected to demonstrate and evidence why the concern being raised is linked specifically to the protected characteristic.
- 7.2.7 Failure to disclose which category the grievance falls into and provide sufficient evidence to demonstrate this may result in the company being unable to proceed with a formal investigation into the grievance due to lack of information available.
- 7.2.8 Where an employee is raising multiple or repeat grievances which do not meet the criteria required to proceed with the process, please refer to section 7.7.

7.3 Formal Stage

- 7.3.1 If following the informal stage an employee is still dissatisfied and wishes to make a formal grievance, they must complete a Formal Grievance Form and submit it to the Line Manager within 10 working days of the informal stage concluding. A copy of this form can be found in Annex 2.
- 7.3.2 If the grievance concerns the Line Manager, it should be raised with the Line Manager's own manager who will need to make the decision whether they can objectively investigate the grievance. If this is not possible the Line Manager's manager should appoint an alternate Grievance Hearing Manager.
- 7.3.3 Setting out a grievance in writing is not easy and therefore, if necessary, the employee is advised to seek assistance from a trade union representative or a colleague. The Formal Grievance Form should outline as much detail as possible and a desired outcome in order to support the Grievance Hearing Manager in understanding potential resolutions.
- 7.3.4 The manager receiving the grievance (Grievance Hearing Manager) will arrange a meeting as soon as possible to be held no later than 15 working days from date of submission of the Formal Grievance Form.
- 7.3.5 When inviting an employee to a Grievance Hearing meeting the manager must invite them via letter giving 5 days' notice. A letter template can be found in Appendix 3 and must outline details of the meeting along with the employee's right to be represented (See Section 6).

- 7.3.6 The HR department will support the Grievance Hearing manager throughout this process. The role of HR is to advise on policy and procedure, not decision making.
- 7.3.7 During the meeting, the employee will have the opportunity to explain the nature of their grievance as well as a desired solution.
- 7.3.8 A formal response will be sent to the employee following investigation of the matter. Depending on the nature of the grievance there may be extensive investigation which needs to be undertaken which may cause delay in the outcome being issued. Sonic Healthcare UK will always attempt to investigate matters in a timely manner whilst balancing the need for a thorough investigation.
- 7.3.9 Where disciplinary action is appropriate only the individual involved will be made aware of the outcome. The disciplinary process will not be discussed with any other parties involved in the grievance including the employee who initially raised the concern.

7.4 Appeals

- 7.4.1 All appeals will be managed in line with the Sonic Healthcare UK's Appeals Policy

7.5 Grievance within an ongoing process

- 7.5.1 There may be occasions in which an employee raises a grievance whilst participating in an ongoing process (e.g. Investigation & Disciplinary, Managing Capability, Sickness Absence Management). Where an employee raises a grievance during an ongoing formal process, the manager responsible will need to make a judgement about the best way to handle the two issues.
- 7.5.2 Both the ongoing process and grievance should be dealt with promptly and without unreasonable delay.
- 7.5.3 Any procedural issues regarding the ongoing formal process should be raised by the employee as part of their formal meeting and not by way of a grievance.
- 7.5.4 Where the grievance and ongoing process are unrelated it is appropriate to deal with both issues concurrently in order to avoid delay. Where a complaint is unrelated there should be no need to postpone any formal meetings if they would not be affected by the unrelated grievance.

7.5.5 If the grievance and ongoing process are related, there may be occasions in which the ongoing process is paused awaiting the grievance outcome. Once the grievance has been considered the original process will resume at the same point as it was suspended.

7.5.6 Where a grievance is raised concerning a matter that has been made, considered and rejected in the course of a disciplinary process HSL may refuse to allow the matter to be considered further under a formal grievance procedure.

7.5.7 If employment with Sonic Healthcare UK has ended, there is no right for formal grievances to be raised under the grievance procedure.

7.6 Grievances Already Raised

7.6.1 If the employee's grievance appears to restate a complaint that Sonic Healthcare UK is already dealing with, or that it has dealt with in the past, the employee will be asked to explain how the new grievance differs from the previous one, and what new incident or evidence has come to light.

7.6.2 In the event that Sonic Healthcare UK establish that the grievance has in fact already been addressed, the company may reject the grievance without a hearing, unless the employee is able to present new evidence

7.6.3 In rejecting the grievance without a hearing, the Line Manager will write to the employee and explain that no further action will be taken because the grievance has already been dealt with. It may be appropriate at this stage to refer the employee to the previous correspondence and the outcome of the original grievance. The employee should be informed that the matter will only be considered again if new incidents occur, or if new facts and information come to light.

7.6.4 The decision to reopen a previous grievance and hold a fresh hearing is based upon whether the new evidence sheds additional light on the allegations originally made by the employee.

7.7 Raising Malicious or Serial Grievances

7.7.1 In the event where it is found that an employee is raising multiple grievances which either do not contain sufficient evidence relating to a grievance category type, or following investigation are found to have been raised in bad faith or malicious intent, the Investigation and Disciplinary policy may be applied to the individual

raising the concern. This is in order to protect colleagues affected by repeated, unfounded or malicious grievances and company resources.

8 Document approval.

Document Approvals are recorded within the document record card within Sonic Healthcare UKs electronic quality management system (e-QMS).

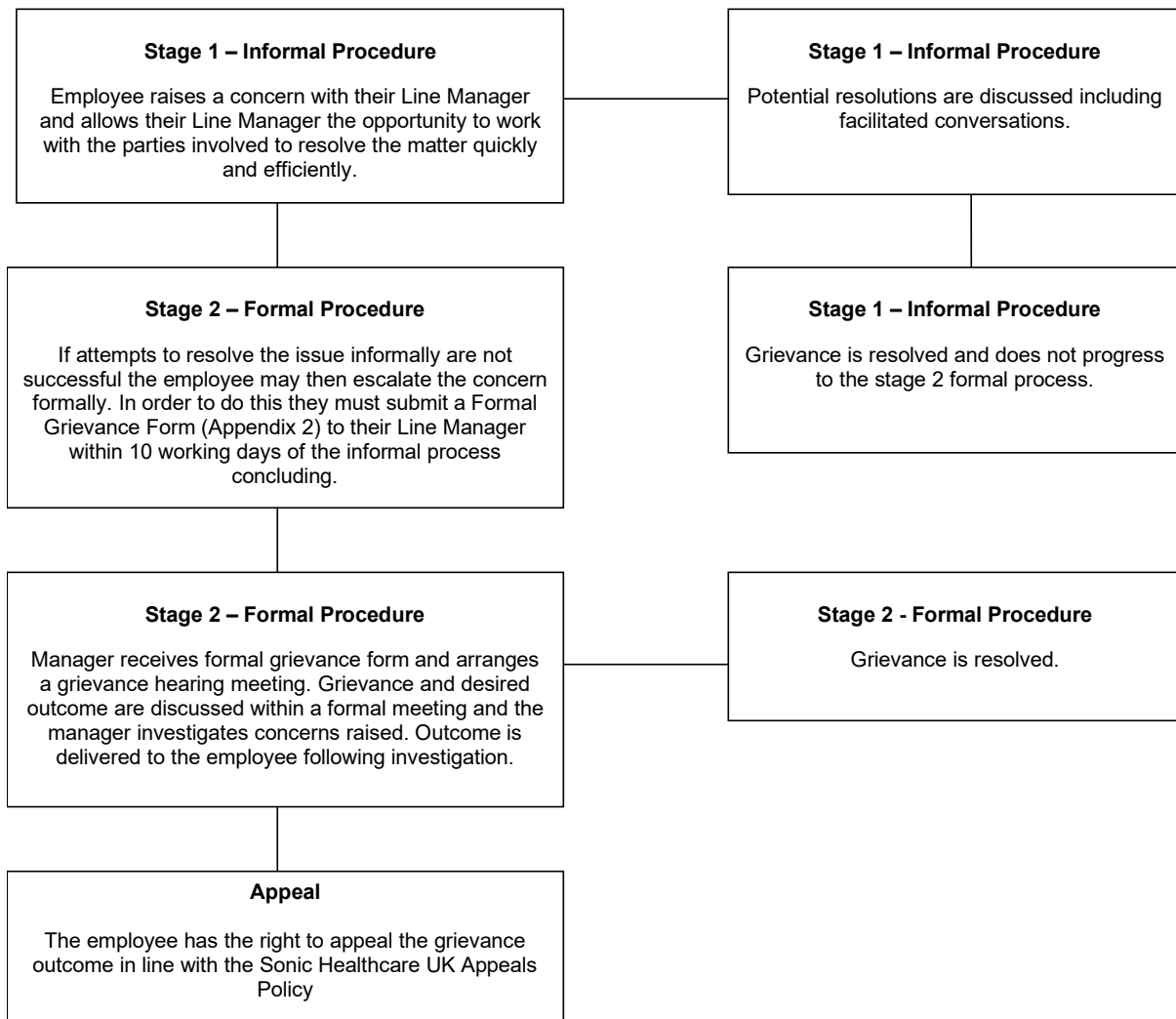
Approved documents will be marked as active in the footer of the document. Documents that are not marked approved are not considered controlled. Printed copies are not permitted.

Records of approval and reference copies of procedures are available from HR@tdlpathology.com.

9 Change Details

Change Request number	Change Detail	Implemented in Version Number
N/A	N/A	N/A

Annex 1 Grievance Process Flow Chart



Annex 2 Formal Grievance Form

FORENAME:..... SURNAME:.....

JOB TITLE:..... DEPARTMENT:.....

SITE:..... EMAIL ADDRESS:.....

HAVE YOU ATTEMPTED TO RESOLVE THE GRIEVANCE INFORMALLY – IF NOT PLEASE REFER TO SECTION 7.1 OF THE GRIEVANCE POLICY:

.....

OUTLINE OF THE INFORMAL RESOLUTION AND WHY THIS WAS NOT DEEMED SUCCESSFUL:

.....
.....
.....
.....

GRIEVANCE CATEGORY (PLEASE REFER TO SECTION 7.2 OF THE GRIEVANCE POLICY):

.....

SUMMARY OF GRIEVANCE AND ACCOMPANYING EVIDENCE:

.....
.....
.....
.....
.....
.....
.....

(Please continue on separate sheet if needed)

RESOLUTION EMPLOYEE IS SEEKING

.....
.....

SIGNATURE: _____

DATE: _____

Annex 3 Invite to Grievance Hearing

Sent via **email / hand delivered / post**

Address

Date

Dear **XXX**,

RE: INVITE TO GRIEVANCE HEARING

I write further to the receipt of your formal grievance form dated **XXX**, in which you raise a grievance that the Company would like to discuss.

In light of the above, I am confident you have attempted to resolve the grievance informally without success and would therefore like to invite you to a formal grievance hearing in relation to the concerns you raised.

The hearing will be held at **location** on **date** at **time**. **Manager name** will chair the grievance hearing and **XXX**, HR Advisor will be in attendance to take notes of the hearing and advice on policy and procedure where necessary.

During the meeting we will discuss the grievance you have raised and any potential resolutions you seek. You have raised the grievance under the **pay / health and safety / bullying and harassment / discrimination** category. Ahead of the grievance hearing I ask that you review section 7.2 of the Sonic Healthcare UK Grievance Policy to ensure this is still the most relevant category relating to your concern and the evidence you are providing as this will assist me in a better understanding of the nature of your grievance.

You are entitled to be accompanied by a work colleague or Trades Union representative. If you wish to do so, you must inform me in advance who you intend to accompany you by **date before meeting**. Please note, it is your responsibility to make arrangements for your representative to attend.

Due to the confidential nature of the investigation, you are advised not to discuss matters linked to this investigation with colleagues unless they are supporting or representing you as a Trade Union representative.

I understand that this may be a stressful time for you should you require additional support you are encouraged to contact Employee Assistance program at no cost to you, I have enclosed the details with this letter. If you have any questions in the meantime prior to the meeting, please do not hesitate to contact me on **XXX**

Yours sincerely
Name

Title