

# Dispute Resolution Policy

The following policy outlines our Dispute Resolution process and applies to all PAYE staff with one year or more's continuous service.

The policy exists to provide a framework for both the Company and employees to raise grievance or complaints about other employees in a safe and open and honest way. The process will always aim to resolve matters with respect and dignity for all parties.

## Misconduct

The following offences are examples of **misconduct** and include behaviours identified by MaST employees as unacceptable behaviour:

- Abusive behaviour which includes:
  - Attacking – acting harmfully against a person with force
  - Bullying – to persecute by force or fear
  - Ranting – to act noisily or forcefully
  - Force – threat of violence which makes a person act prematurely or unreasonably
- Harassment - sexual, racial or any other type of bullying behaviour.
- Deceit – a dishonest trick or hiding costly mistakes
- Bad time keeping
- Unreasonable or unexplained absence
- Persistent or irregular absenteeism
- Minor damage to company property
- Minor breach of company rules
- Failure to observe company procedures
- Failure to comply with reasonable instructions

These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.

## Pre disciplinary procedure

### Stage 1

The 'injured party' confronts the person behaving in an unacceptable manner and states factually the behaviour and the impact of the behaviour on them. They then request this behaviour stops with immediate effect. If the 'injured party' feels unable to confront the person behaving in an unacceptable manner directly, they may ask for a colleague to support them in the meeting. (As far as possible, and depending on the content of the discussion, the numbers present for both sides at the meeting should be balanced and one side should not be unfairly outnumbered by another).

## Stage 2

If the unacceptable behaviour continues following stage 1, the 'injured party' raises the issue with their team leader or direct report.

## Stage 3

The team leader confronts the person behaving in an unacceptable manner to stop the misconduct. If the misconduct repeats after confrontation then the disciplinary process kicks in as described below.

### **The following disciplinary procedure will apply in case of alleged misconduct:**

#### **First Warning**

This will be given by the direct report of the person accused of misconduct. During the meeting the direct report will explain the conduct, capability or other circumstance that has led to the meeting.

It will be advised that the warning constitutes the first formal stage of the procedure and will be confirmed in writing. A copy will be sent to HR to be placed on the company's files.

#### **Second Warning**

Should this first warning not resolve a situation or produce visible changes in attitude or performance as agreed, after a period of one month the person against whom the complaint of misconduct has been laid will receive further notice in a meeting and then in writing which will also be recorded on their file.

#### **Final Warning**

If there is still no improvement an interview will be arranged with the Managing Director or other nominated Director, on a date notified in writing, to review the situation. The person against whom the complaint has been laid will be given a written report of the outcome of the interview and a copy recorded on file.

If there is still no improvement after the period of time stated in the Final Warning employment will be terminated.

#### **Dismissal**

Dismissal will be notified to you in writing.

#### **Right of Representation**

The person against whom the complaint has been laid has the right to be accompanied by a fellow employee, if they so wish, at any meeting held under this procedure.

## **Right of Appeal**

Any appeal against disciplinary action must be made in writing, to HR within five working days of the disciplinary action.

The person against whom the complaint has been laid will be given the opportunity to have an appeal heard by the Managing Director or another Director nominated by them.

The final decision following appeal will be made by the Managing Director or another Director nominated by them and will be communicated in writing

## **Gross Misconduct**

The Company will be entitled to dismiss the employee without notice for:

- Serious breach of this Statement of Terms
- Unruly or violent behaviour
- Unauthorised disclosure of any details of the company's business, organisation or unauthorised disclosure of any details of the business or affairs of any clients of the company
- Theft, dishonesty or reasonable suspicion thereof
- Gross negligence
- Conduct unbecoming an employee of the company

These examples are not exhaustive or exclusive and offences of a similar nature will be dealt with on the basis of dismissal without notice.

**If you are dissatisfied with any disciplinary decision which affects you, you should raise the matter initially with your direct report.**

## **Grievance Procedure**

Grievance procedure allows you to openly air any issues you encounter relating to action or issue you are aggrieved by that does not involve your conduct or capability.

You should in the first instance request, in writing, an interview with HR stating the basis for the complaint. A copy of the notice must be given to your direct report at the same time.

A written account of your interview will be made and copies given to you and your direct report and will be placed on file.

## **Right of Representation**

You have the right to be accompanied by a fellow employee, if you so wish, at any meeting held under this procedure.

## **Right of Appeal**

Any appeal against the decision on the grievance must be made in writing, to the Managing Director within five working days of the disciplinary action.

You will be given the opportunity to have your appeal heard by the Managing Director or another Director nominated by them.

The final decision following appeal will be made by the Managing Director or another Director nominated by them and will be communicated in writing

**If you have a grievance about your employment you should raise the matter in the first instance with your direct report.**

Updated March 2021