

# GRIEVANCE POLICY & PROCEDURES

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## I. Introduction

At Mercy Hands, we seek to provide a safe and positive workplace environment, where all employees feel that they are important, respected and treated fairly. However, it is inevitable that workplace disputes arise and there may be times when a dispute will need to be resolved through a formal procedure.

We define grievance as any complaint, problem or concern of an employee regarding their workplace, job or coworker relationships. Employees can file grievances for any of the following reasons:

- Working conditions (i.e. denial of benefits, unfair treatment, health and safety risks)
- Violation of MH Code of Conduct
- Verbal abuse (i.e. threats, aggressive language)
- Bullying
- Physical violence
- Discrimination (i.e. gender, race, religion/sect, ethnicity, etc.)

For grievances related to **sexual harassment or abuse** (including inappropriate language), refer to the separate PSEA Procedures. If it is against a child, please refer to the Child Protection Policy.

For grievances involving **criminal activity, fraud or corruption, or other serious offenses**, refer to the separate Whistleblowing Policy. This includes bribery, theft, claiming of non-existent expenditures, endangering the safety of others, willfully causing damage to MH activities, assets or reputation, etc.

For grievances involving **abuses of power or any other misconduct involving beneficiaries**, please contact the MEAL Manager, Bethany Schmid (bethany.schmid@mercyhands.org or +964.773.544.5542).

## II. Rights and Responsibilities

All members of Mercy Hands staff have the right to:

- Make a complaint to their direct supervisor or a member of the administrative team
- Have their confidentiality respected
- Have their safety and security be of primary importance
- Have their grievance handled discreetly and in a timely manner
- Be treated with respect, dignity, and professionalism
- Be provided with support throughout the process
- The person who is the subject of concern must be informed of all allegations and have the opportunity to put forward his/her case
- All parties to the complaint have the right to be heard

- All **relevant** submissions and evidence must be considered
- Investigations and proceedings will be conducted impartially and transparently

The Mercy Hands administration is responsible for:

- **Safety**  
The whole process of reporting a grievance is to be done in a safe environment for all involved parties.
- **Impartiality**  
To ensure impartiality, all parties involved in the grievance are to be given equal grounds to present their arguments in a safe and respectful environment. Staff members should not feel discriminated against nor afraid of voicing his or her opinion.
- **Confidentiality**  
Confidentiality is to be respected at all times throughout the grievance process. Only the concerned staff members are to be included and all those involved should commit themselves with complete discretion. Other staff members may only be involved if they are necessary for the investigation.
- **Respect**  
The process of responding to the complaint shall be transparent, ethical and respectful to all parties involved.

### III. General Procedures

An employee may have a legitimate grievance against a colleague, a manager, or the Organization itself. The employee is encouraged to seek settlement of grievances without fear of retaliation. Both individuals and groups can file grievances. All grievances shall be reported via the Grievance Form.

No matter the procedure, all grievances will be recorded in a database, including the date reported, actions taken, the resolution, and the date of resolution. The database will be managed by the General Administrator, and not shared with any other staff member.

Below are the steps for reporting a grievance:

**Step 1: Resolve the issue informally.**

MH highly encourages direct communication with the person involved in the complaint as a first step as a first step to come to amicable solution.

**Step 2: Involve your line manager.**

The employee should approach his/her line manager to communicate the problem and discuss any possible amicable solutions.

**Step 3: Involve a mediator.**

If Steps 1 & 2 are unsuccessful or not possible, a mediator can be involved. A mediator (**someone chosen by both parties**) should facilitate a conversation between the employee who expressed the grievance and the person against whom they are making the grievance. The outcome of this

conversation should be recorded in writing and signed by all parties present. One copy of this document is for each employee and one copy is for HR.

**Step 4: Involve the General Administrator and Regional Coordinator.**

In case no solution is achieved, or the parties are not willing to converse, the General Administrator and Regional Coordinator become involved. The employee should submit their grievance in writing, using the MH Grievance Template. The GA and RC work together to investigate the complaint and make their decision, which should be communicated in writing to all parties within 10 business days.

**Step 5: Involve the Executive Director or the Board of Directors.**

If the grievance pertains to a member(s) of the Executive Administration, the employee has the right to submit their grievance (via MH Grievance Template) to the Executive Director. If the grievance pertains to the Executive Director, the employee has the right to submit their grievance to the Board of Directors. If the grievance pertains to a member of the Board, then the grievance should be reported to the General Administrator and Executive Director. Their decision shall be communicated in writing to all parties within 10 business days.

**Note:** If the employee is uncomfortable approaching their direct supervisor or to follow the procedures outlined above, they may report directly to the Executive Director.

## **IV. Investigation Committee**

There are several situations in which an investigation committee may be formed.

- If an employee has a major grievance against a member of the Board.
- If those who are handling a major grievance determine that they require a committee to do further investigation, after receiving the approval of those involved in the complaint.
- If the employee is unsatisfied with the decision reached regarding a major grievance and would like to request an appeal.

For all cases, the grievance must be major. Please see list below for examples of major grievances. If not explicitly or clearly listed here, the General Administrator, in consultation with the Executive Director if necessary, will make the final decision as to whether a grievance is major.

Examples of major grievances:

- Discrimination
- Verbal abuse, insults
- Physical violence
- Threats or Aggression
- Use of drugs or alcohol at work
- Wilful damage to another employee's or MH's reputation
- Abuse of power and bullying

In all cases, the employee should report their grievance via the Grievance Form to the General Administrator, who is responsible for forming the committee. The investigation committee shall be made up of 3 members who are to be carefully selected so they are neutral, highly skilled, **and**

**agreed upon by both parties.** Since Mercy Hands is a multi-cultural, multi-ethnic, and multi-religious work place, the committee members should be selected so they can address all possible cultural differences efficiently, and gender balance should also be taken into account.

Investigations shall include gathering supporting evidence, such as recordings, documents, messages, and statements from witnesses or staff with relevant information, while respecting confidentiality (see below). Once the investigation is complete, the Committee will write a report within 10 business days that includes a summary of the information gathered and the recommended response. The decision of the committee is to be communicated in writing to all parties. The committee's decision will be final, and the General Administrator and Regional Coordinator are jointly responsible for following up with relevant staff to ensure the recommended actions are taken.

***Please remember, for grievances related to sexual harassment or abuse (including inappropriate language), refer to the separate PSEA Procedures; for grievances involving criminal activity, fraud or corruption, refer to the separate Whistleblowing Policy.***

## **V. Confidentiality**

Complaining anonymously should be an available option for all staff members, although MH acknowledges this may hamper some investigations. On the grievance form, it is optional to include your details. Complaint boxes should also be available at all MH office locations. These boxes will be locked, the complaints will be placed in a sealed envelope, and an M&E Officer, if available, will be the only person with the key to the box. If an M&E Officer is not available, a focal point will be chosen by the General Administrator.

At any point, an employee may approach the MEAL Manager or any member of the MEAL department to report a complaint, as they are trained to ensure that confidentiality is respected.

Throughout the investigation, the employee's identity must remain confidential, unless they have explicitly given their consent for it to be revealed. If the investigation requires revealing the grievant's identity, the grievant must first agree to this, otherwise s/he decides whether to proceed or not. The accused's identity and actions should also be protected and details of the investigation should not be shared until a decision has been reached. For all parties involved, care should be taken during the investigation to ensure that information pointing to their identities is not disclosed (i.e. gender, number of family members, department, etc.).

Once the grievance form has been received, a plan on how to proceed should be created by the person(s) investigating the complaint and the person making the complaint. The plan includes how their identity will be protected and when/how/with who it can be shared. This should occur before the person against whom the grievance is made is informed of the complaint. While all those involved will have the opportunity to present their case and defend themselves, as much information and evidence as possible should be gathered first, before the accused is informed of the situation, to ensure a complete and unbiased analysis of events.

No one who is not involved in the investigation should be told about the situation.

Disclosure of concerns or the identity of the grievant to anyone other than the investigation committee will be viewed as a serious disciplinary offence and will bear consequences up to and including the termination of employment.

## VI. Consequences

Once a decision on a grievance is made, there will likely be consequences for the parties involved. Below are guidelines for how MH categorizes consequences for the proven misbehaviour. Please note that not all of the following consequences apply to this grievance policy, as they can be handled by the supervisor, employee, and the HR Department.

### Verbal Warnings

Verbal warnings are not recorded in the employee's file, but should be documented via email in case needed as evidence for a later written warning.

- First instance of gossip, or spreading rumours
- Disrespecting fellow staff members or any stakeholders
- First instance of failure to cooperate with other employees
- First day of unjustified absence
- Arriving late or leaving work without permission

### Written Warnings

Written warnings are recorded in the employee's file. The warning will state the type of misconduct, date and the place of the misconduct, and should be signed by the employee's direct supervisor and the General Administrator. The contents of the letter will be shared with the concerned employee in a meeting with all three parties, during which the employee should also countersign the letter. If an employee receives more than 3 warning letters, the employee's supervisor can consult with the Executive Director on whether dismissal is warranted.

- Consistent or severe disrespect towards fellow staff members or stakeholders
- Abuse of power and/or bullying
- Loss, damage or unauthorized use of Mercy Hands property
- Wilfully damaging another employee's reputation
- Breach of security rules
- Intentional disrespect of local culture and/or laws
- More than 1 day of unjustified absence
- Consistent failure to cooperate with other employees
- Consistent neglect of work duties - Inefficiency, not adhering to working hours, not adhering to job description, not meeting deadlines or targets, wilful failure to obey manager's instructions, etc.

### Suspension

An employee may be suspended for a maximum of two (2) weeks (unpaid) as decided by the executive administration. The suspension may then result in dismissal; if not, it shall count as 3 written warnings. Suspension is only to take place on extreme instances and after having approvals from the Executive Director and the General Administrator. Suspension is different than administrative leave, which is a rare action whereby an employee is suspended with pay during sensitive investigations.

- Aggressive behaviour or threatening staff
- Verbal sexual harassment
- Wilful conduct that damages Mercy Hands' reputation
- Alcohol or drug use on work premises or reporting to work under the influence of alcohol/narcotics
- Weapons on work premises

- Working totally or partially with another entity of similar activities, without the approval of Executive Administration

### **Instant Dismissal**

In cases of serious misconduct, an employee may be dismissed immediately without notice. This action must be approved by the Executive Director, though s/he should also abide by the recommendation of the Grievance Investigation Committee.

- Receiving more than 3 warning letters
- Sexual exploitation or abuse
- Bribery/corruption/fraud
- Theft of MH property
- Any criminal activity
- Physical violence
- Discrimination – such as gender, race, religion, culture
- Not disclosing a conflict of interest with a MH supplier or contractor
- Disclosure of confidential or sensitive information

***If an employee is found to have deliberately falsified a grievance to severely damage another employee's or MH's reputation, there will be consequences, up to and including dismissal.***



Updated: September 2020

**Khaldoon Al-Moosawi**  
Executive Director

## Grievance Reporting Template

Grievant Information (optional)	
Name:	
Position:	
Department & Location	
Name and Position of Direct Supervisor / Line Manager:	
Date of Submission:	
Do you wish to remain anonymous?	<input type="checkbox"/> Yes – discuss with Recipient how to proceed <input type="checkbox"/> No

Grievance Information
<b>Type of Grievance:</b> <input type="checkbox"/> Fraud/Corruption <input type="checkbox"/> Bullying <input type="checkbox"/> Physical Violence <input type="checkbox"/> Discrimination (Gender, Ethnic, Religious,...etc.) <input type="checkbox"/> Verbal Abuse/Threats <input type="checkbox"/> Violation to MH Code of Conduct <input type="checkbox"/> PSEA <input type="checkbox"/> Other
Date the incident occurred:
Who was involved (names and positions):
Witnesses, if available (names and positions):
Details of the Grievance (attach a separate page if needed):
Do you have any supporting evidence?  <input type="checkbox"/> Yes, please list and provide brief description  <input type="checkbox"/> No

## Grievance Reporting Template

Do you have a request for MH regarding what action to be taken?

Does the Grievant want this document to be communicated with a specific staff member (Executive Director, ...etc.)?

☐ Yes, to whom (name & position):

☐ No

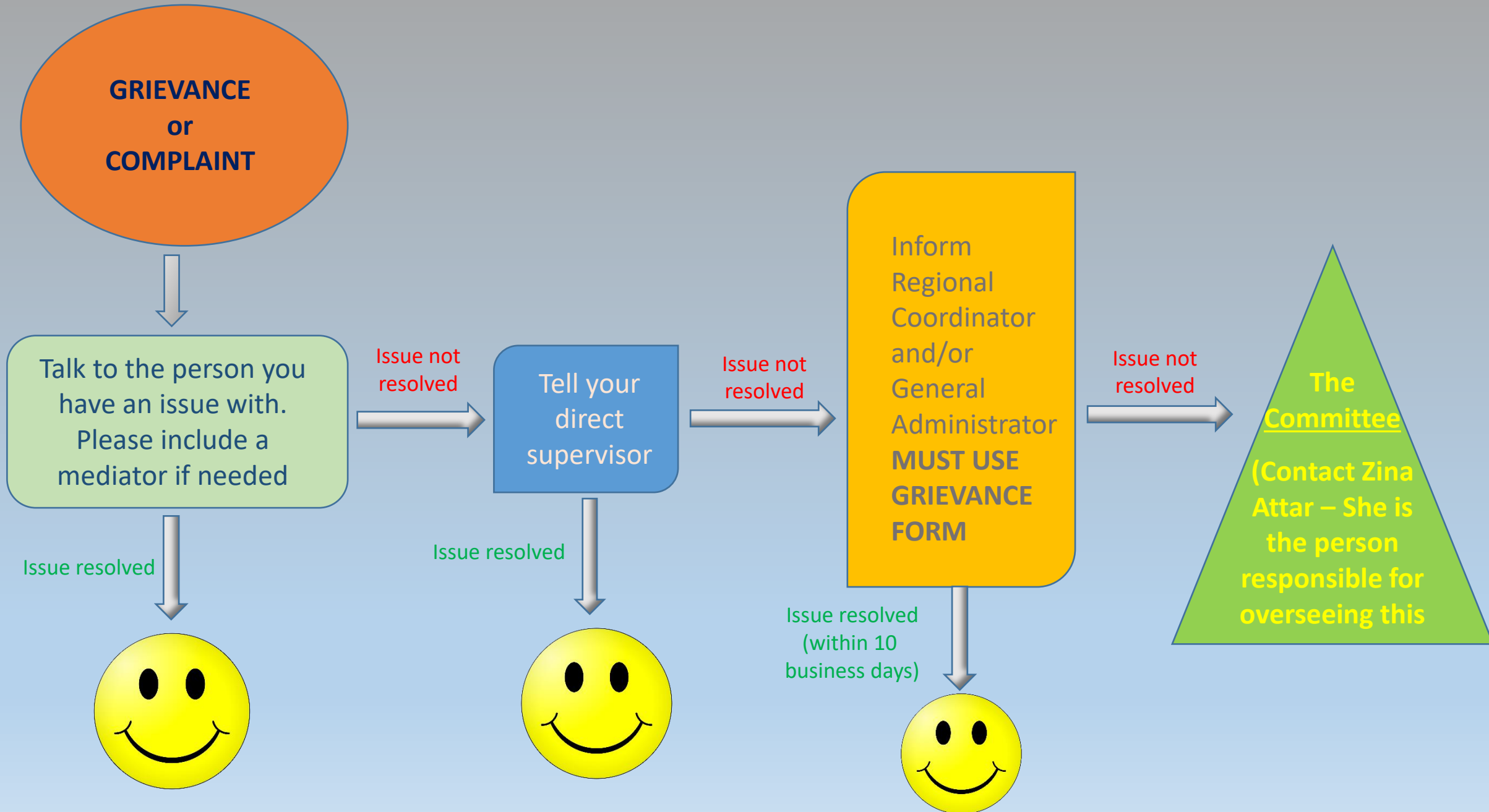
### Confirmation of Receipt

Date of Receipt:

Source (complaint box, email, in person, etc.):

Name & Signature of Receiver:



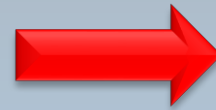


**Complaint Against  
Executive Administration**



**Executive Director**

**Complaint Against  
Executive Director**



**Board of Directors**

**Complaint Against  
Board of Directors**



**The Committee**

**All these complaints must be made in writing, using the grievance form**

# THE COMMITTEE

(FOR MAJOR GRIEVANCES ONLY)

If all parties agree that further investigation is needed

When the grievance involves a member of the Board

To appeal the decision made

## Examples of Major Grievances:

- Discrimination
- Verbal abuse / insults
- Physical violence
- Threats or aggression
- Use of drugs or alcohol at work
- Willful damage to another employee's or MH's reputation
- Abuse of power or bullying

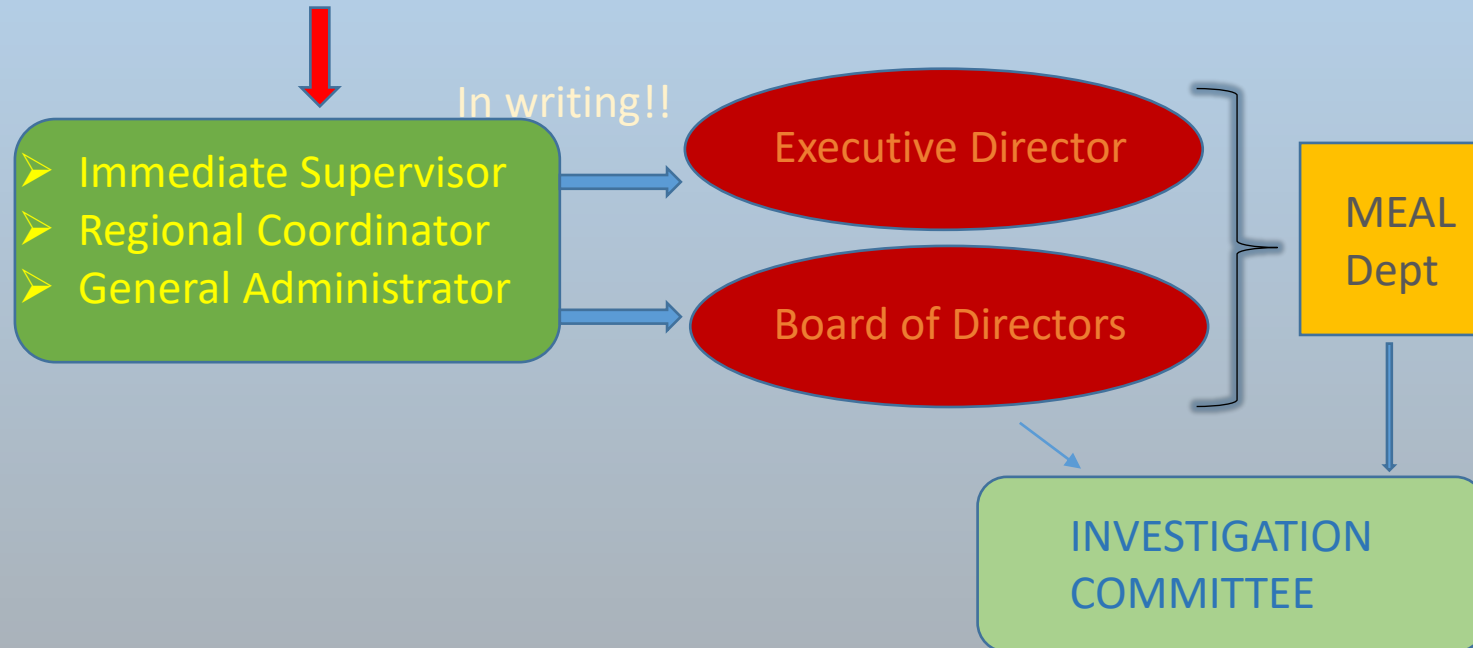
## The Process:

- General Administrator (Zina Attar) oversees the forming of the committee, which will be made up of 3 members agreed upon by both parties
- Cultural and gender differences must be taken into account
- Decision to be reached within 10 business days

- For grievances related to sexual harassment or abuse, refer to the PSEA Policy
- For grievances related to criminal activity, fraud or corruption, refer to the Whistleblower Policy

# WHISTLEBLOWER

- Corruption, bribery or fraud
- Criminal activity
- Endangering the safety of others
- Willfully causing damage to MH activities, assets or reputation



- For grievances related to sexual harassment or abuse, refer to the PSEA Policy
- For any misconduct against beneficiaries, contact MEAL Manager (Bethany Schmid) on **+964.773.544.5542** or **[bethany.schmid@mercyhands.org](mailto:bethany.schmid@mercyhands.org)**.