

Appeal

If the employee/consultant is unhappy with the outcome and or decision of the disciplinary hearing, then an appeal should be put in writing to the HR Department or the appropriate Senior Manager. The letter of appeal may be constructed by the employee/consultant or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning/dismissal letter.

Upon receipt of the letter and within 10 working days, the HR Manager and or relevant Senior Manager will discuss the appeal. If new evidence has been produced and there is a likelihood that it could affect the decision, then the disciplinary committee will be reconvened and a disciplinary hearing set. The decision made by the Country Manager or Country Director/Director, after the second hearing, will be the final verdict.

If the HR Manager and or relevant Senior Manager, after discussion, see no change in circumstances within the appeal letter, they will then meet with the employee/consultant who has raised the appeal to provide an oral response. This response will be confirmed in writing to the employee within the 5 working days following the meeting.

23) GRIEVANCE

Archer Grievance Procedure

Purpose

- This procedure is designed to provide a framework for the quick and effective resolution of difficulties that may arise in the workplace, or as the result of Archer activities, through open communication and discussion between colleagues.
- The aim of the procedure is to ensure that employees and/or third parties who feel aggrieved about the way they have been treated, either by management or by their colleagues, are given the opportunity to express their views and to have the issues resolved in a fair and speedy manner. The procedure seeks to achieve solutions through appropriate informal methods prior to the use of the formal processes, and is concerned to achieve a mutually acceptable resolution rather than to establish guilt or innocence. The procedure does not provide for sanctions against anyone involved. A separate procedure exists to deal with disciplinary issues.

Scope

- This procedure applies to all employees of Archer including the CEO, and/or third parties who may have been affected by the activities of Archer.
- A grievance may be raised about any matter concerning work or conditions including:
 - the outcome of any case in which the disciplinary procedure has been used, but where suspected abuses of process have taken place;
- Where separate procedures have been agreed to deal with specific types of grievance (e.g. harassment or 'whistleblowing') employees may opt to use them instead of this generic procedure.

Principles

- A grievance may be raised personally by any employee or a fellow employee, or third party.
- The term “third party” does not necessarily refer to those that have a contractual relationship with the Company, but to, for instance, individuals or communities that live in the area where Archer operates.
- An employee or complainant has the right to be accompanied by a fellow employee or friend at all meetings within the formal stages of the procedure. Since the purpose of the procedure is to secure a mutually acceptable resolution of a grievance, meetings will be arranged for dates and times when all those involved can be available.
- If it is not possible to respond within the time limits in this procedure, the employee/complainant should be given an explanation for the delay and told when a response can be expected. The time limits may be varied by mutual agreement.
- When an employee wishes to raise a formal grievance against their immediate manager, it should be raised with the next higher level of management and the procedure will start at the appropriate level. The manager against whom the grievance has been raised will be notified of the grievance by the person with whom it has been raised.
- In cases where an employee wishes to raise a grievance against another employee, it should be raised with the immediate manager of the employee concerned. The manager will inform the employee that a grievance has been raised and provide the employee with information as to the broad nature of the complaint.
- Third party grievances shall be raised in the first instance with the Human Resources Department of the Country in question.
- Where a group of employees wishes to raise the same grievance and feel that it can be dealt with collectively, they may opt to appoint a spokesperson for the group. The procedure will be followed as for individual grievances, and all communications will pass through the appointed spokesperson. It will be for the spokesperson to communicate with the rest of the group about the progress of the case. In such cases, it is not necessary for all those involved to be present at meetings, and appropriate representative numbers should be agreed at each stage. To initiate a collective grievance, the issue should be raised with the manager responsible for all the employees concerned and the procedure will start at that level.
- As soon as a manager receives notification of a formal grievance, the HR Manager should be informed, and it is for the HR Management team to provide appropriate advice and guidance on handling the grievance.
- It will be a serious disciplinary offence to encourage any employee to give a misleading statement or to withhold evidence in the course of an investigation.

Dealing Informally with Grievances and Workplace Problems

- Archer wishes to encourage staff to resolve any conflicts and grievances which arise in the workplace as quickly as possible through informal means. Employees are strongly encouraged to use informal approaches along the lines set out below, rather than to use the formal procedure. Only if the informal methods fail to bear fruit should the employee use the formal procedure. Where a formal grievance is submitted and the employee subsequently opts to seek a solution informally, the grievance will be placed on hold.

Making a Direct Approach to the Person Concerned

- Where an employee or third party is concerned about a matter relating to relationships at work, matters of personal privacy, breaches of human rights, or feels that there may have been a misunderstanding, they may wish to raise the matter directly with the person involved.

This type of direct and informal approach is encouraged and Archer expects employees who are approached responsibly to respond in a similar manner. This approach may be particularly appropriate to dealing with matters of speech and expression, where individuals may not be aware that their behaviour is causing distress.

Third Party Intervention

- Employees or third parties may ask a fellow employee, their line Manager, a member of the HR Management team or someone else they trust to intervene informally on their behalf. Having agreed to assist in resolving the issues, a typical approach by this person would involve separate initial meetings with the parties, followed by a meeting at which all the parties meet and seek to reach agreement.

Mediation

- Archer has a number of staff who can act as counsellors who are available to mediate between employees and third parties with a view to identifying a mutually acceptable resolution of the issues involved. Requests for the involvement of a counsellor should be made to the Manager of Human Resources.
- Mediators will use their skills to assist, but will not dictate, monitor or enforce any agreement. A record of the agreement will only be kept if both parties consent to it.

The Formal Procedure

The formal procedure should only be used if it has not proved possible to resolve the conflict or problem through the informal channels described above. At each stage of the procedure, all correspondence should be copied to the representative, if there is one, of the employee who has raised the grievance and to any other employee who is directly involved.

Stage 1

- The employee should write to his/her immediate Line Manager, or the next level manager if the grievance is against the line manager, or the line manager of the employee against whom the grievance is being raised and asking formally for the matter to be considered under the Grievance Procedure. Third parties should address their grievances to the relevant HR department.
- The letter should clearly state:
 - the issue about which the employee or third party is aggrieved;
 - what, if any, informal methods have been used to resolve the situation and
 - the remedy sought
- The Line/HR Manager will carry out an investigation. This should include a meeting with the employee against whom the grievance has been raised, and interviewing any witnesses, if appropriate. Witnesses' statements should be recorded in writing and signed.
- Within 10 working days of the grievance being raised, the Line Manager, after consultation with the HR Manager, will meet with the employee/third party who raised the grievance and make an oral response to the grievance. This response will be confirmed in writing to the employee within the 5 working days following the meeting.

Stage 2

- If the employee/third party is not satisfied with the outcome of Stage 1, the issue may be referred in writing to the appropriate Country Manager or Country Director/Director.

- The manager to whom the grievance has been referred and the HR Manager will carry out an investigation and meet with as many of those involved as appropriate. The employee/third party who has raised the grievance may be accompanied to meetings at any point in this investigation by a friend, fellow employee.
- They will respond within 10 working days of the grievance being raised, the manager to whom it has been referred and the HR Manager will meet with the employee/third party who has raised the grievance to provide an oral response. This response will be confirmed in writing to the employee within the 5 working days following the meeting.

Stage 3

- If the employee/third party is not satisfied with the outcome of Stage 2, he/she may ask for the grievance to be considered by a Grievance Panel.
- The request must be submitted in writing to the Manager Human Resources within 10 working days of the written confirmation of the Stage 2 meeting.
- If the grievance is against the Manager of Human Resources, the request shall be directed to the Country Manager or Country Director/Director.
- The Manager of Human Resources (or their nominated representative) will convene an assessment meeting with a representative of the employee and consider the Grievance Panel request.
- A request to convene a Stage 3 Grievance Panel will only be approved if the assessment meeting agrees that one or more of the following applies:
 - that the employee/third party can present new evidence that they could not have reasonably produced before and that casts substantial doubt upon the appropriateness of the conclusion made at Stage 2;
 - there was a procedural irregularity such that there is a reasonable possibility that the conclusion made at Stage 2 would have been different had the irregularity not occurred or
 - That the conclusion made at Stage 2 is one that not fair and reasonable investigating officers could have reached and falls outside the band of reasonable response.
- The deliberations of the assessment meeting might include conferring with the investigating officers. Requests that are without substance and/or merit, frivolous, vexatious and/or have been occasioned substantially by the default of the employee will not be successful. Where a unanimous view cannot be secured, the Manager of Human Resources (or appointed representative) has a determining vote.
- If the request is refused then the Manager of Human Resources will write to the member of staff/third party confirming this and the reasons why.
- If the request is confirmed then the Manager of Human Resources will write to the member of staff/third party directing them to provide any new relevant documentation within 5 working days of notification.
- The Grievance Panel will consist of a member of Archer's Senior Management Team (SMT) and an independent member of the organisation.
- Normally the Grievance Panel will meet within 20 working days of the request being lodged.
- The decision of the Grievance Panel is final, with the Chair having a casting vote.

Grievance Panel Procedure

- The Manager of Human Resources shall:
 - determine a date, time and place for the hearing of the grievance;
 - give written notice to all parties, at least 5 working days prior to the hearing;

- advise all parties of the procedures that will be followed at the hearing and of the right to be accompanied by and/or represented by a fellow employee, a friend;
- advise witnesses of the date and place of the hearing and the time at which they are to be called and
- ensure that all parties provide copies of all statements and the names of witnesses, not less than 5 working days prior to the hearing.

At the Hearing

- The Complainant (or representative) shall present the case and may call witnesses in succession, who may be questioned by the Complainant (or representative), by the Respondent (or representative) and by the Panel.
- The Respondent (or representative) shall reply and may call witnesses who may be questioned by the Complainant (or representative) and by the Panel.
- The Complainant and Respondent (or representative) shall present a summary of their respective cases.
- Refusal or failure by either party to attend the hearing or comply with any time limits shall not invalidate the proceedings which may, at the discretion of the Grievance Panel, continue upon evidence that all stages in the procedure have been observed.
- The Grievance Panel may, for good reason submitted by either party or at its own discretion, either adjourn or postpone the hearing for such period as it may specify or refuse to allow any one or more witnesses to be called by either party.
- Prior to resumption any new information will be shared with all parties who will be given opportunity to comment.
- Where requests for witnesses are refused that decision will be recorded in writing.

The decision of the Grievance Panel is final and shall be communicated in writing to both parties within five working days after the hearing.

24) RESIGNATIONS AND TERMINATIONS

An Employee/Consultant may terminate their employment/consultancy with the company by giving written notice. The Employee/Consultant should refer to the notice period stated in their contract. The company reserves the right to pay the Employee/Consultant rather than the Employee/Consultant working their notice period; however the company may also request the Employee/Consultant to work their notice period.

The Employee/Consultant normally initiates this, however, there may be instances where by consent of the Company an individual is given the option of resigning rather than be terminated.

In certain instances the attitude taken by the Employee/Consultant in terminating may cause the company to take action to protect its own interests. Such a case could include the Employee's/Consultant's failure to give proper notice of leaving, going to work for a direct competitor of the company, refusing to name the company where he/she intends to work, or taking company documents, tools, or other property when he/she leaves.

TERMINATIONS POLICY

Purpose and Scope