

# Max (Myanmar) Holding Co., Ltd & Its Subsidiaries

DOCUMENT NO:	GHP001/2014	
DOCUMENT TITLE:	<b>Grievance Handling Policy</b>	
DATE:	16 October 2014	REVISION NO: 001

## Introduction

Max Myanmar Holding Co., Ltd and its subsidiaries seek to implement a culture of respect, dignity and fair treatment as a daily reality for everyone who works with us. We aspire to ensure that employees are treated justly and fairly by providing a straightforward process for dealing with complaints and grievances. We are committed to developing and maintaining an effective, timely, fair and equitable grievance handling system which is easily accessible to all complainants.

## Purpose

Max Myanmar aims to

- Develop a culture that views grievances as an opportunity to improve the organization and how it works
- Set in place a grievance handling system and helps to prevent grievances from recurring
- Ensure that any grievances are resolved promptly, objectively and with sensitivity and in complete confidentiality
- Ensure that the views of each complainant and respondent are respected and that any party to a grievance is not discriminated against nor victimized
- Ensure that there is a consistent response to grievances

## What is Grievance?

1. A grievance is any type of problem, concern or complaint related to the work environment.
2. A grievance may be about any act, omission, situation, or decision that the employee think is unfair, discriminatory or unjustified.
3. Any reports of discrimination, victimization or harassment will be treated seriously and investigated promptly, confidentially and impartially.
4. Any person accused of discrimination, victimization or harassment has the right to be treated fairly and justly, before, during, and after any investigation or resolution process.

The **Individual Grievance** is a grievance affecting one employee and requires a one-to-one approach. For example, Individual Grievances would include an employee who feels discriminated in a promotion exercise or a case of sexual harassment.

The **General or Group Grievance** is a grievance that affects a group of employees. Examples of general grievances would be a wage cut or a retrenchment exercise that could involve several employees or the entire workforce.

## **Principle of Grievance Handling**

- For the purposes of this policy, a grievance is defined as any type of problem, concern, dispute or complaint related to work or the work environment which cannot be resolved through normal day to day communication.
- All grievances need to be handled promptly and with transparency.
- The following principles must be adhered to in managing workplace grievances:

### **Confidentiality**

If the employee comes forward with a grievance, we will treat the matter confidentially. It is important that participants also maintain confidentiality. Participants (including witnesses) may discuss the matter in the course of seeking advice.

### **Impartiality**

Where a grievance has been raised, it will be treated seriously. In some circumstances it will be necessary to investigate a grievance in which case NBN Co will do so in a confidential and impartial manner. This may mean that employee, the person or persons complained about, and any witnesses will be interviewed. No findings will be made in relation to the grievance until the investigation is complete.

### **Sensitivity**

All people handling the grievance must be sensitive to the needs of those directly involved, and also to others who may be indirectly affected by the grievance. If a grievance involves a complaint against the employee, they will have an opportunity to provide your side of the story. They may bring an appropriate support person.

### **Timeliness**

Each grievance will be dealt with in as short a time as possible in the circumstances whilst giving regard to thoroughness.

## **Procedure of Grievance Handling**

### **Individual grievance**

#### **1. Stage one (Head of Department)**

- If any member of staff wishes to raise a grievance, he/she must informally approach his/her immediate senior at which point an attempt must be made to resolve the grievance at this level.

- Should the grievance relate to the actions of the HOD, the staff member must in the normal course of events approach the HOD in an attempt to seek a resolution of the matter. If the staff member requests to be accompanied, he/she may obtain the assistance of a representative.
- Five working days will be allowed for this stage.

## **2. Stage two (Division Head)**

- If the grievance has not been resolved informally, the staff member may take the grievance further and formalize the process by making written representations to the General Manager or Division Head.
- The staff member must send a copy of such a representation to his/her HOD, and a copy to the Human Resources Department; both within 10 working days of the end of stage one.
- Within three days of receipt of such representations, a meeting of the following people must be convened by the Division Head to whom the written representations were sent:
  - a chairperson (Division Head or his/her nominee more senior than the HOD)
  - the staff member lodging the grievance
  - the staff member's representative (if requested by the staff member)
  - the staff member against whom the grievance is lodged
  - the staff member's HOD
  - a representative from the Human Resources Department
- From the date of this meeting, up to three days will be allowed for a resolution to be achieved before proceeding to the next stage.
- The chairperson's decision signifies the end of stage two.
- Within a further four days the chairperson must complete his/her report on the grievance hearing proceedings, as well as his/her proposal towards resolving the grievance.
- A copy of the chairperson's report must be sent to all parties concerned.

## **3. Stage three (Chief Executive Officer)**

- In the Fifteen days following the end of stage two, should the staff member wish to take the grievance further, he/she must make written representations to this effect to the Chief Executive Officer, sending a copy to the Human Resource Department.
- The Chief Executive Officer or the nominee must review the case. If the CEO appoints a nominee, the staff member with the grievance and his/her representative (if applicable) must be advised accordingly.
- The CEO or his/her representative is obliged to consider mediation of the grievance in accordance with the Max Myanmar's employee relation policy.
- If deemed necessary by the CEO (or nominee) in order to establish further facts about the case, a meeting must be convened within five days of receipt of representations pertaining to the grievance. The meeting must consist of:
  - the chairperson (the CEO or the Executive Director's nominee)
  - the staff member lodging the grievance
  - the staff member's representative (if requested by the staff member)
  - the chairperson of the stage two hearing, and, if this chairperson requires it, the staff member's HOD
  - a representative from the Human Resources Department

- any other staff member(s) the chairperson wishes to invite in order to facilitate the resolution of the grievance
- From the date of this meeting five days will be allowed for a resolution to be achieved.
- The chairperson's decision signifies the end of the grievance procedure.
- Within another 5 days the chairperson must complete his/her report on the grievance hearing proceedings and his/her proposal to resolve the grievance. A copy of the chairperson's report must be sent to all parties concerned.

### **3. Stage Four (Group Chairman)**

Should the staff member wish to take the grievance further, he/she must make written representations to this effect to the Group Chairman within 15 working days, sending a copy to the CEO office and respective Human Resource Department.

Chairman will give final resolution within 15 working days.

### **Group Grievance**

- i. Where it is evident that two or more staff members have the same grievance, the staff members may elect to have the grievance dealt with as one.
- ii. Where practicalities militate against a group grievance being dealt with as a group, the group must elect a spokesperson(s) that will act on behalf of the group. It is assumed that the spokesperson(s) will carry the full mandate of the group they represent and that any decisions they take in respect of the resolution of the grievance are binding on all the individual members of such a group.
- iii. One of the following procedures may be chosen:
  - a. Where it is evident that two or more staff members have the same grievance, it may be addressed via the grievance procedure detailed in section two of this procedure. Alternatively, the procedure detailed below may be followed.
  - b. Where it is evident that two or more staff members have the same grievance but the staff members concerned do not come from the same dept/unit, the grievance may be taken, as an agenda item, to the working group on academic staff matters.

### **Attendance at grievance hearings (group and individual)**

1. A grievance will often involve a complaint by one person against another. Handling the relationship between complainant and the person complained against requires care.
2. This is especially so when these two people are in a close working relationship (e.g. as members of a team) or in a line relationship.
3. The person complained against should not be required to attend a grievance hearing with all parties present against his/her will.
4. If necessary, the chairperson will have to hear the complainant and the person complained against separately. Where possible this should be avoided.
5. In cases of close working relationships or line relationships, a meeting with both parties present (if necessary a second round, after individual meetings) may be insisted upon by the chairperson as part of what he/she sees as necessary for facilitating a resolution of the grievance.

## Relation between the grievance and disciplinary procedures

- a. Grievances are often the result of a misunderstanding between two or more parties and misconduct is not necessarily involved.
- b. Should, however, a grievance be brought to the attention of management and, after investigation, management is satisfied that there is evidence of misconduct on the part of the staff member who is the subject of the grievance, the matter must be handled in terms of the disciplinary procedure.
- c. The staff member who lodged the grievance may be asked to be a witness at a disciplinary enquiry.
- d. The decision to invoke the disciplinary procedure will normally mark the end of the grievance procedure.
- e. If on application either by the grievant or the person grieved against, the relevant Division Head or CEO is satisfied that the grievance procedure should continue simultaneously or be revived at the conclusion of the disciplinary proceedings, it may be so ordered.

## Communication

Handling Grievances require frequent and regular communication and information-sharing with employees to minimize any misunderstanding. Failure to do so may lead to a high employee turnover or a depressed workforce with low productivity and high absenteeism rate.

In handling General Grievances, communication is key and organizations can include the following information in the communication process;

- **What** adverse events that have occurred, are occurring or will be occurring that require certain actions to be taken that will affect employees.
- **Why** certain painful action or actions, for example wage cut, have to be taken over other solutions.
- **Who** will be affected and in what manner.
- **How** the decided action or actions would be administered.
- **When** the decided action or actions would be made effective. This will allow employees ample time to prepare themselves and consider their options.