

## Grievance Policy

**Scope:** This policy applies to all the business divisions within the AG Barr Group

### POLICY STATEMENT

The Company believes that employees should be treated fairly and with respect and this policy aims to ensure that all employees have access to a procedure to help deal with any complaint (grievance) relating to their employment fairly and without unreasonable delay.

It provides details of how we deal with grievances informally, where possible, but also sets out the process for making a formal grievance if necessary.

### 1 WHAT IS A GRIEVANCE AND WHEN DOES THE PROCEDURE APPLY?

A grievance is a concern or complaint you may raise, either verbally or in writing, about any aspect of your employment. To be considered, you must put your name to a grievance. Anonymous grievances will not be dealt with through the formal grievance procedure.

Generally, it will be up to you to decide whether you wish to progress a grievance. However, as an employer, the Company has a duty of care to protect all of its employees and we may occasionally decide to pursue a complaint independently if we consider it is appropriate to do so in the circumstances.

If you make a written grievance you should expect it to be dealt with through the formal grievance procedure described below. A verbal complaint will not automatically be dealt with in this way – see details below regarding raising an informal grievance.

If you have difficulty at any stage of the grievance process because of a disability or because English is not your first language, you should discuss the situation with the HR department as soon as possible.

The procedure applies to all employees regardless of length of service.

This procedure should not be used to complain about dismissal or disciplinary action. In these cases an appeal should be submitted under the Disciplinary Policy. Complaints about performance management action should be dealt with under the Performance Improvement Policy. If your complaint relates to bullying or harassment on the part of a colleague, you should raise it in accordance with the Harassment and Bullying Policy. These policies can be found on the intranet in HR Services Connect, under Policies and Procedures.

Grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. To the extent that a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

This procedure does not form part of your contract of employment. It may be amended at any time and the Company may depart from it depending on the circumstances of any case.

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

There are two possible routes if you want to raise a grievance:

- Informal
- Formal

The process for each is set out below;

## **2 INFORMAL GRIEVANCE**

Most grievances can be resolved quickly and informally through discussion with your people leader. If you feel unable to speak to them for example, because the grievance concerns relates to them then you should speak informally to a more senior people leader.

The steps taken at the informal stage to deal with your grievance will vary depending on the nature of the complaint and the type of solution that may be possible. It may involve other colleagues or more senior colleagues where appropriate. In cases where your complaint involves another colleague, the people leader may suggest a conciliation meeting to try to resolve the issues informally.

If this informal approach does not resolve your grievance, or at any time following your initial informal grievance, you may ask to move to the formal procedure described below.

## **3 FORMAL GRIEVANCE**

### 3.1 Step 1 - Written Grievances

Formal grievances should be put in writing and submitted to your people leader. If the grievance concerns them it should be submitted to a more senior people leader.

Your written grievance should:

- be headed 'Formal Grievance' and set out the nature of your complaint, including any relevant facts, dates and names of individuals involved so that it can be investigated, and;
- give details of how you would like your complaint resolved.
- Further attempts may be made to resolve the matter informally, depending on the nature of your complaint. However, if you are not satisfied with the outcome, we will proceed to a full grievance hearing (Step 2).

### 3.2 Step 2 - Grievance Hearing

Your people leader will arrange for a grievance meeting to be held as soon as reasonably practicable and you should make every effort to attend. Where it is not possible to hold a face-to-face meeting, we will conduct the grievance hearing remotely. We will ensure that you have access to the necessary technology for participating in the process.

The purpose of a grievance meeting is to:

- enable you to explain your grievance and what action you feel should be taken to resolve the matter, and;
- to assist us to reach a decision based on the available evidence and the representations you have made.

After the grievance meeting we may carry out further investigation and hold further grievance meetings as appropriate.

The Company's decision regarding your grievance will be confirmed to you in writing as soon as possible after the grievance meeting and you will be notified of any further action that we intend to take to resolve your grievance. You will have the right to appeal against the decision.

### 3.3 Step 3 - Appeal

If the grievance has not been resolved to your satisfaction you may appeal in writing to the person identified in the grievance decision letter, stating the full grounds of your appeal, ie the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate, within 5 working days of receiving written confirmation.

You will be given reasonable written notice of the date, time and place of the grievance appeal hearing. This will be dealt with impartially by a people leader who has not previously been involved in your grievance, who will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate.

Where it is not possible to hold a face-to-face meeting, we will conduct the appeal hearing remotely. We will ensure that you have access to the necessary technology for participating in the process.

We will confirm our final decision in writing, where possible within fourteen days of the appeal hearing. This is the end of the process and there is no further right of appeal.

## **4 RIGHT TO BE ACCOMPANIED**

- 4.1 At each stage of the formal procedure you have the right to be accompanied by a trade union representative or work colleague during the grievance meeting. You should provide the name of your companion in advance of the meeting.
- 4.2 In making your choice, you should bear in mind that it would not be appropriate to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest. Nor would it be sensible for you to request accompaniment by a colleague from another location when someone suitably qualified was available on site.
- 4.3 There is no duty on a trade union representative or work colleague to accept a request to accompany you and no pressure should be brought to bear on a person if they do not wish to act as a companion.
- 4.4 If your companion cannot attend the grievance meeting at the time or date arranged, you should let us know as soon as possible and we will try, within reason, to agree on an alternative time.
- 4.5 Your companion may ask questions but should not answer questions on your behalf. You may also confer with your companion at any time during the meeting.

## 5 CONDUCTING THE GRIEVANCE PROCEDURE

We recognise that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. We will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The people leader conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. The people leader may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of your complaint.

## 6 RECORDING OF MEETINGS

You, or any person acting on your behalf, is not normally permitted to record electronically any meeting held under the grievance procedure. Any breach of this provision may lead to disciplinary action, up to and including dismissal.

In certain limited circumstances, we may permit the meeting to be recorded electronically. For example where it is a reasonable adjustment for a colleague with a disability.

Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

## 7 DATA PROTECTION

We process personal data collected during informal complaints and the formal grievance procedure in accordance with our [Data Protection Policy](#). In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. You should immediately report any inappropriate access or disclosure of employee data in accordance with our data protection policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

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