

## I. Document Control

<b>Document Control Version</b>	Dispute Resolution Policy
<b>Applicable to</b>	BOC Kenya PLC Staff
<b>Issued by</b>	Human Resources
<b>Date issued</b>	December 2018
<b>Review date</b>	As required
<b>Approval</b>	Managing Director
<b>Date approved</b>	

## II. Revision History

Revision	Date	Description of changes	Requested by
Version 1	2018	Policy designed based on existing practices	Operationally required

### 1. Overview

Employee disputes are best resolved informally and directly between an employee and the supervisor. The goal of the dispute resolution process is to determine whether the disciplinary action taken is warranted. It recognizes that there are situations when a formal process may be beneficial and additional perspectives may be needed to review a dispute. Successful resolution of a dispute requires an open and honest exchange of information, a willingness to see a situation from a different perspective, an appreciation for the challenges and expectations of the jobs of both the employee and the manager, appropriate use of flexibility and an understanding of the business needs. Visibility and accessibility of this policy will be ensured.

### 2. Purpose

The purpose of this policy is to:

2:1 Provide an opportunity to internally resolve disputes arising out of issues concerning discipline. Employees utilizing this process in good faith will be protected from any retaliatory actions, such as reprimands or harassment.

2:2 Describe and regulate the way that disputes are handled including complaints and appeals. Confidentiality of personal information will be ensured, and no disclosure will take place without the written consent of the complainant or anyone else whose personal information may be involved.

2:3 Promote an open line communication that works not only for a person-to-person interaction but also on departmental level. Proper discussion of conflicts will be made to showcase transparency in the workplace. It targets the identification of call to actions to ensure that problems can be identified even at its earliest indications.

2: 4 Serve as the medium that can guide the employees about what they need to know about dispute resolution

2:5 Help increase the possible options for employees when it comes to developing a resolution, should conflicts arise. This policy helps the workforce to have a fast action in ensuring the disputes will be addressed, hence, help the business have a more harmonious operation.

2:6 Treat every complainant with courtesy and respect and ensure appropriate review or investigation.

2:7 Resolve each complaint within its internal complaints handling procedures, and to facilitate external review of complaints for those it is unable to resolve.

2:8 Ensure respective line managers will be accountable for responding to complaints within their work areas. The HR Manager will be accountable for responding to complaints which are not resolved at the work area unit. The MD will be accountable for appeals determination.

### **3. Eligibility and Use of Dispute Resolution Process**

3:1 All employees are eligible to use the Dispute Resolution Process. It may be used to appeal actions involving formal disciplinary written warnings, final warnings, suspensions and termination of employment.

3:2 The process may not be used to challenge verbal disciplinary warnings, coaching actions, performance feedback or performance review related concerns. However, if the employee fails to meet the time limits established for a response, the dispute will be considered resolved and the Dispute Resolution Process will be terminated. Time limits may be extended by mutual agreement. It is understood that work-related travel, commitments or other significant personal needs may justify extending deadlines.

3.3 The dispute resolution process is also available if an employee believes there was a procedural flaw related to a performance accountability and commitment plan. A procedural flaw relates to process, not content of the plan or feedback from the supervisor for instance if an employee received the written performance plan by e-mail and the manager did not have a conversation with the employee or if the written performance plan did not include the areas of performance that need improvement. This policy does not include concerns regarding performance feedback or a written performance review.

3:4 Submission, investigation and decision on disputes will not result in any discriminatory actions against the disputing person.

#### **4. Dispute Resolution Process**

##### **4:1 Step 1 – Discussion with Supervisor**

4:1:1 Employees are always encouraged to address their concerns directly with their immediate supervisor. The first step in the dispute resolution process is a discussion between the employee and the supervisor to determine if they can resolve the issue. The one-on-one conversation should include a review of the facts and any relevant policies or documents. As appropriate, the employee and supervisor should bring copies of related documents, so they can be reviewed during the meeting.

4:1:2 Employees who intend to utilize this process must do so by notifying their supervisor in writing within seven (7) calendar days of the action that gave rise to the dispute. This should include the issue being disputed and the desired outcome of the dispute process.

##### **4:2 Step 2 – Departmental Review**

4:2:1 In the event the employee and the supervisor are not able to resolve the dispute or if the discussion does not result in a satisfactory resolution, the employee has the option to request a meeting with line manager to facilitate a conversation with the employee and the supervisor. The employee must provide written notice within seven (7) calendar days of meeting with the supervisor, where the dispute was not resolved. The written notice should include a summary of the concern, any related documents and the outcome desired by the employee. Submission of the written notice will not be used as a justification for ending the dispute resolution process.

4:2:2 The line manager will meet with the employee, review their concerns, and within seven (7) calendar days of the meeting provide the employee with a written decision. If the employee does not consider the issue to be satisfactorily resolved after this level, they should notify the HR in writing within seven (7) calendar days of the receipt of the line managers decision.

##### **4:3 Step 3 – Facilitated Conversation with Human Resources**

4:3 :1 This step is available to provide an opportunity for the employee, line manager and the HR Manager to attempt to resolve the dispute. Expression of thoughts, concerns and willingness to find a resolution are critical.

4:3 :1 If resolution is not reached, the employee may proceed to notify the HR Manager in writing within seven (7) calendar days of the facilitated conversation meeting of their intent to proceed to panel for review.

#### **4:4 Step 4 – Panel Review**

4:4 :1 The employee’s concerns and the departmental actions will be heard by a panel of three-line managers who will objectively review the dispute and make a decision within 7 calendar days and communicate to the employee in writing.

4:4 :2 The panelists must have received training in dispute resolution process.

4:4 :3 An employee utilizing this process may bring one person currently employed by the company to the hearing to provide support. Both the department and the affected employee may have witnesses. Witnesses must be current employee with direct knowledge of the issues in dispute.

#### **4:5 Step 5- Right to appeal**

The employee or affected department will have the right to appeal against this decision in writing within 7 days to the Managing Director who will set a date to hear the appeal and communicate the outcome.

#### **4:6 Record Keeping**

4:6:1 Record of all disputes and appropriate actions taken will be maintained including relevant supporting evidence and documents.

#### **4:7 continuous improvement and Policy Review**

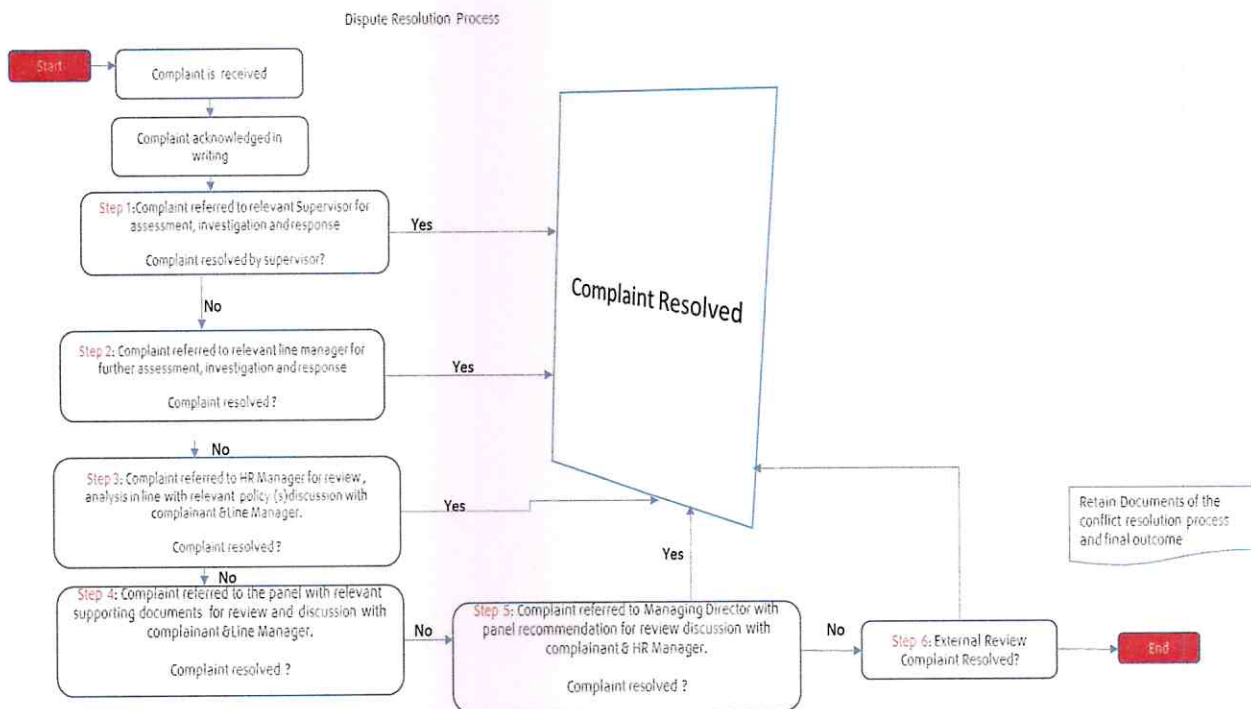
4:7:1 If internal nonconformities related to BOC policies or procedures are identified during the dispute resolution process, corrective action will be taken and implemented to address the nonconformity to ensure continuous improvement.

4:7:2 Periodic review to check for effectiveness and efficiency of the Policy shall be done.

4:7:3 The company reserves the right to modify this policy in whole or in part, at any time, at its discretion.

#### **Relevant Policies and documents**


Grievance Policy, Disciplinary Policy, Harassment Policy



### Approval

This Whistle Blowing Policy was approved by the Board of BOC Kenya PLC on Wednesday 5<sup>th</sup> December 2018 and further approved for upload onto the Company's website.

Signed this 5<sup>th</sup> day of December 2018

  
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 Marion Mwangi  
 Managing Director