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LEVEL 1 Grievance Policy and Procedures

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1 INTRODUCTION

Nedbank strives to ensure that all employees are satisfied with their jobs and their working environment. Management will therefore listen to any reasonable grievance and will take prompt and fair action necessary to rectify the situation.

An aggrieved employee must follow this Grievance Policy and Procedure ("Policy"), to provide Nedbank with an opportunity to resolve the complaint.

Employees are urged to act in good faith and for good cause when lodging grievances as vexatious and baseless grievances may result in disciplinary action against the employee raising the grievance and/or a civil action being taken by a recipient/s of vexatious and baseless grievances.

2 SCOPE

This Policy applies to all employees of Nedbank.

3 KEY PRINCIPLES

The following key principles underpin Nedbank's approach to employees' workplace grievances:

- a. Grievances must be addressed and resolved as close as possible to source. In this regard, the principle of "one up referral" will apply in the grievance resolution process.



- b. As far as possible, grievances should be addressed and resolved informally.
- c. Grievances must be resolved as quickly as possible. Employees must lodge their grievances within a reasonable time after becoming aware of the matter giving rise to such grievance(s), but by no later than 30 calendar days from the date on which the circumstances giving rise to the grievance occurs.
- d. Grievances must be handled sensitively, fairly, confidentially and without prejudice, unfair discrimination, and victimisation.

4 PROTECTED DISCLOSURE

Insofar as a grievance relates to any protected disclosure, this Policy read with the Whistleblowing Policy must be applied as appropriate.

5 GRIEVANCES RELATED TO HARASSMENT

In the event of a Grievance related to alleged harassment, this Policy must be read together with the Procedure for Reporting, Management and Resolution of Harassment Complaints.

6 IMPERMISSIBLE GRIEVANCES

6.1 The following are excluded from the scope of this Policy:

- a. a complaint by an employee(s) alleging actionable misconduct on the part of another employee(s), which allegations require Nedbank to conduct an investigation and, if appropriate, institute disciplinary action. Such instances should not be dealt with by way of a grievance but rather by reporting such allegations of misconduct to management.
- b. a complaint in respect of disciplinary proceedings which have already been initiated or concluded against an employee, including suspension. Employees are required to resolve any grievances or disputes related to the disciplinary process through the dispute resolution mechanisms of the CCMA.
- c. a complaint in respect of which another method of internal dispute resolution has been provided for in any other policy of Nedbank.
- d. Complaints which seek to use the grievance process as a method of improving or altering, in any way, existing terms or conditions of employment and/or collective agreements.

6.2 Any employee who is unsure of the above must contact his/her Human Resources or the Employee Relations division for guidance.

7 REPRESENTATION

- a. A group of three or more employees having the same grievance may elect from among themselves a spokesperson to represent them, collectively.
- b. An employee or group of employees referring a grievance may be assisted either by a fellow employee or a representative of a trade union recognised by Nedbank.
- c. No external representation will be permitted in internal grievance proceedings.



8 GENERAL GRIEVANCE PROCEDURE

8.1 INFORMAL

- a. Employees with grievances may elect to first attempt resolution informally. This may take any form, including addressing the matter with the employee against whom the grievance is raised, or requesting a colleague or Human Resources to facilitate a discussion between the grievant and the employee in question.
- b. If the informal approach does not resolve the grievance, or it is inappropriate due to the circumstances of the grievance, or the employee elects not to use the informal route, the employee may lodge his/her grievance formally.
- c. The following steps will apply in the case of a formal grievance:

8.2 FORMAL

Stage 1

- a. The employee initiates a grievance on ERDirect at the following link: [er Navigator \(nedcor.net\)](http://er.Nedcor.net)
- b. Within five (5) working days of the grievance being received the manager (or the manager of the line manager if the grievance is against the employee's line manager) must arrange to discuss the grievance with the aggrieved employee.
- c. The employee:
 - may elect to conduct this discussion alone or in conjunction with his/her representative (i.e. a fellow employee or trade union representative)
 - May, if required, present documents or call relevant employees to substantiate his/her grievance.
- d. Based on the discussion with the employee, the manager may elect to investigate the grievance which may take the form of, inter alia, interviews, checking records, consultations or other forms considered appropriate by management to resolve the matter.
- e. The manager or his/her manager must endeavour to resolve the grievance as soon as reasonably and practically possible and advise the employee of the outcome in writing within seven (7) working days from the date of conclusion of the meeting referred to in (ii) above or of the investigation referred to in (iv) above.
- f. This step of the grievance process must be completed on ERDirect.



Stage 2

- a. If the employee is not satisfied with the decision of Stage 1, within five (5) working days of receipt of the outcome the employee may escalate the grievance to the next level of authority, or his/her nominee, in the relevant area for determination. This step must be completed on ERDirect.
- b. This person may convene a meeting within five (5) days of receipt of the grievance and/or make a decision and advise the employee of the outcome in writing within ten (10) working days from the date of receipt of the grievance.
- c. The outcome of stage 2 must be captured on ERDirect.

Stage 3

- a. If the employee remains dissatisfied with the outcome of Stage 2 then he/she may, within five (5) working days of receipt of the outcome, escalate the grievance in writing to his/her Business Unit Head (or equivalent level of management). This step must be completed on ERDirect.
- b. This person may convene a meeting within five (5) days of receipt of the grievance and/or make a decision and advise the employee of the outcome in writing within ten (10) working days of the receipt of the grievance.
- c. The outcome of stage 3 must be captured on ERDirect.
- d. If the employee is not satisfied with the outcome of this Stage 3, he/she shall be entitled to invoke the dispute resolution procedures set out in the Labour Relations Act 66 of 1995 and refer the matter to the CCMA, if appropriate.

9 PROCEDURE IN RESPECT OF GRIEVANCES RELATED TO HARASSMENT

9.1 INFORMAL

- a. The person who has been the subject of harassment can inform the alleged harasser that the conduct in question is offensive, or unwanted and unwelcome, the impact of the behaviour on the person and ask them to immediately stop the behaviour. If the individual does not feel comfortable to do so, they may also ask another person to do so on their behalf (with or without revealing their identity to the alleged harasser).
- b. If the informal approach does not resolve the grievance, or it is inappropriate due to the circumstances of the grievance, or the employee elects not to use the informal route, the employee may lodge his/her grievance formally as per the procedure outlined below.

9.2 FORMAL

- a. The employee initiates a grievance by completing the Grievance Form on ERDirect at the following link: [er Navigator \(nedcor.net\)](http://er.Navigator(nedcor.net))
- b. Harassment grievances must be referred to the Ethics Office and may not be dealt with by other persons/functions within Nedbank. The grievance will be investigated by the Ethics Office as per the procedure outlined in the Procedure for the Reporting, Management and Resolution of Harassment Complaints.



- c. The line manager (or the manager of the line manager if the grievance is against the employee's line manager) must arrange to discuss the findings and recommendations of the Ethics investigation within five (5) working days of the investigation report having been received from the Ethics Office.
- d. The recommendations of the investigation report must be captured on ERDirect and implemented by management and status updates must be provided to the Ethics Office when requested.
- e. Where the parties (i.e a person who is the subject of alleged harassment and the person who is accused of the alleged harassment) is dissatisfied with the findings and/or the recommendations of the investigation, they may approach the Executive Head: Reputational Risk and Ethics with a request that the matter be reconsidered. In such cases, the person must provide reasons for their dissatisfaction.
- f. The Executive Head: Reputational Risk and Ethics will consider the request, and where sufficient grounds have been provided, may refer the matter to another person for review and/or further consideration.
- g. Following this, if the person who is the subject of alleged harassment is still dissatisfied with the internal resolution of a complaint, they may lodge a dispute with the Commission for Conciliation, Mediation and Arbitration (CCMA).
- h. Disputes with the CCMA may only be lodged after all internal processes for the resolution of the complaint has been exhausted

9.3 SUPPORT WHEN LODGING A GRIEVANCE RELATED TO HARASSMENT

Upon becoming aware of the grievance related to harassment, the following steps must be taken by HR and the line manager without delay:

- a. The person subjected to the alleged harassment must be provided with information and support in accessing counselling or support services as required.
- b. The person subjected to the alleged harassment must be informed of our procedure for dealing with harassment complaints.
- c. Where the conduct complained of constitutes a criminal offence, the person subjected to the alleged harassment must be advised of their right to open a criminal case; and
- d. Where the conduct complained of constitutes a serious threat, the person subjected to the alleged harassment must be advised of their option to apply for a protection order.

10 GROUP GRIEVANCE

- a. The same procedure as set out above will apply to a grievance lodged by a group of aggrieved employees. Any manager considering a grievance by a group of employees must have due consideration to what the broader implications of an unresolved grievance could be.



11. OTHER GROUP POLICIES AND PROCEDURES

This Policy must be read with and in the context of these documents:

- a. Code of Ethics and Conduct
- b. Procedure for Reporting, Managing, and Resolving Harassment Complaints.
- c. Disciplinary Code and Procedure
- d. Code of Ethics and Conduct

12. REVIEW

This Policy will be reviewed every two years or sooner if there are developments necessitating a review.

13. DOCUMENT CONTROL

This table shows the changes that have been made to this policy document.

DATE	REFERENCE	DESCRIPTION
May 2024	Group ER	Updated Policy
May 2022	Group ER	Updated Policy
July 2019	Kaizer Moyane	Updated Policy
July 2018	TRAHRCO	Approved Policy
April 2010	Ian Elliott	Updated Policy