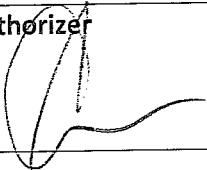


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Authorizer 	MR. FLUKSMAN SAMUEHL CEO
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POLICY STATEMENT

1. Introduction

The Lüderitz Waterfront Development Company recognizes that a continuous harmonious relationship amongst its employees is key to achieving sustainable productivity, hence need for constant nurturing of this relationship. Further acknowledges that it is inherent human nature to differ with one another, however this should not lead to a situation where such divergence in opinion leads to low morale and decreasing productivity.

All stakeholders should therefore agree to strive to find mutually acceptable solutions for problems where possible. In this instances that the use of grievance procedure can be of assistance in resolving the dissatisfaction of employees.

Grievance procedure is a systematic and orderly mechanism to control and resolve conflicts at an early state and focus on their core activities within the Company

2. THE ROLE OF GRIEVANCES IN THE WORKPLACE

2.1. Why grievances at work?

In any environment where a group of persons work together on an ongoing basis, various problems may arise occasionally. Endless examples could be given, but to name a few - interpersonal problems, misunderstandings, unfavourable perceptions, unhappiness about the conduct of a person or the application of policies. The Grievance Procedure is aimed at addressing issues (grievances) that result in an employee feeling aggrieved, discontent or stressed in the work environment.

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2.2. What is a grievance procedure and what is its function?

The Grievance Procedure is a written document, which sets out the procedure to be followed firstly, by an employee who is concerned about a problem in the workplace and secondly, the procedure to be followed by the employer in dealing with the grievance.

The purpose of this Grievance Procedure is to:

- provide employees with a formal internal process whereby workplace problems can be addressed progressively;
- jointly seek a constructive solution as the outcome where possible;
- address grievances at the earliest possible opportunity;
- provide for both individual and collective grievances;
- differentiate between grievances that arise in the 'usual' business context and those arising from the Affirmative Action (Employment) Act, and to provide for appropriate processes to deal with both; and
- enhance productivity in the workplace by enabling employees to focus on work-related outcomes, rather than being impacted by problems areas.

3. IMPORTANT ASPECTS OF THE GRIEVANCE PROCEDURE:

Application: The Grievance Procedure applies to all employees of Lüderitz Waterfront Development Company, irrespective of grade and status.

Grievance Procedure is an internal Process: The Grievance Procedure is an internal procedure and grievances are generally not appealable to an external body.

Grievance Procedure remain important for purpose of external disputes: It is generally accepted that workplace problems should be resolved internally, and only where this failed should it be challenged in external forums, should the nature of the grievance allow therefore. Should a dispute be referred to the external forum (such as for conciliation and/or arbitration at the Labour Commissioner's Office), it is often important to establish whether an employee indicated formal dissatisfaction with a situation,

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and, if so, when. The lodging of a formal grievance is especially important in cases involving alleged victimisation, discrimination, sexual harassment and constructive dismissal.

Employees are encouraged to make use of the Grievance Procedure: An employee who has a workplace related problem which involves a fellow employee, manager or any other relevant matters, is encouraged to utilise the grievance procedure. Employees are further encouraged to use this procedure as soon as it become apparent that s/he is not in a position to resolve the grievance informally or on own accord.

Victimisation or discrimination prohibited: No person may victimise or discriminate against any Old Mutual employee for utilising the Grievance Procedure. Such conduct amount to serious misconduct and steps will be taken accordingly.

The Grievance Procedure is Flexible: It must be emphasised that the Grievance Procedure is aimed at resolving a problem, and that every case will be treated with reference to all the circumstances involved. The company and the employee lodging a grievance may, by agreement in writing, accept a reduction, extension or variation to the procedure outlined herein.

Confidentiality: In appropriate circumstances, the grievance will be dealt with in confidentiality. This is a requirement in the case of grievances related to sexual harassment.

Grievances and work-stoppage: It is specifically understood that any aggrieved employee/s shall not refuse to work (including overtime) until the grievance had been dealt with, as this would amount to misconduct and/or, an unprotected strike. This could have serious consequences, including dismissal.

Grievances and Discipline: Disciplinary steps will not be halted by the accused employee lodging a grievance against a person involved in or a matter related to disciplinary action. Grievance procedures may not be used to avoid and/or delay disciplinary action or appeals. In the event of the employee instituting a grievance against a person involved in disciplinary action against him/her, the grievance issue may be dealt with after the disciplinary enquiry had taken place. In the event of the disciplinary enquiry resulting in dismissal, the grievance will not be entertained. Nothing prevents the employee to raise his/her allegations that may form the basis for a grievance as a defence, if applicable, at the disciplinary enquiry.

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Alternatives during Absence of Senior: In order to prevent unnecessary delay in dealing with a grievance in the event of the aggrieved employee's senior or the senior's senior being unavailable during the period indicated for each step, the following options are available:

- the parties may agree in writing to extend the period until the senior is available, with the understanding that the delay may not exceed a maximum of one month;
- a person more senior than the immediate senior or the L2 Senior may designate a person of the same grade or comparable to fulfil the role; or
- the next available senior may agree to step in earlier in the process, with the understanding that this is likely to result in a shortened process, in order to avoid an unnecessary escalation to high grades.

4. Limitations on the use of the Grievance Procedure

This grievance procedure shall be used for legitimate purposes and employees wishing to avail themselves of this procedure must ensure that they have bona fide grievance which they intend to resolve. The procedure therefore cannot be used under the following circumstances:

- To bargain collectively,
- To lodge an objection to a disciplinary action, which will be dealt within the appeal procedure provided in the Code of Good Conduct.
- To change the individual contract of services
- To condone Unfair labour Practices.

5. Undertaking

Lüderitz Waterfront Development Company undertakes that no employee or his/her recognised union representative shall be prejudiced in a way whatsoever as a result as a result of lodging a grievance in terms of this procedure. Further, no employee or his/her recognised union representative shall forfeit remuneration in respect of time spent in meetings to resolve grievance's brought pursuant to this procedures.

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6. PROCEDURE FOR GRIEVANCES

6.1. Regular Grievance procedure

Stage 1: Immediate Supervisor

The employee shall first raise the grievance with his/her immediate senior in writing and/or orally.

The immediate senior should have a meeting with the employee in order to get a clear understanding of the issues involved. Further meetings or steps, possibly involving more persons, may be held in an attempt to resolve the issue. The format of this meeting may be informal.

Should the grievance be resolved, the immediate senior must record the outcome on the applicable grievance form. The employee, his/her representative (where relevant) and the senior must thereafter sign the grievance form indicating acceptance of/ commitment to the solution as set out. A copy of this document should be given to the employee and a copy should be kept on the personnel file (electronic).

Should the grievance not be resolved within five working days of having been lodged with the employee's immediate supervisor, the employee may proceed to step 2.

If the supervisor is the cause of the grievance, the HR Officer must facilitate dialogue between the parties in order to achieve an amicable solution of the issue at hand. Further, if the supervisor is the HR Officer and is the cause of the grievance, the next line supervisor must facilitate the dialogue to achieve amicable solution between the parties.

Stage 2: Line Manager

Should the attempt to resolve the grievance in Form to the next line supervisor or manager and HR Officer. The HR Officer must assist in facilitating the grievance process.

If the line supervisor or manager is unable to resolve the grievance to the satisfaction of the aggrieved employee the grievance must be referred either by the Line Supervisor/Manager or the aggrieved employee, to Stage 3 of the procedure.

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Stage 3: CEO

During this stage the grievance shall be reviewed by the CEO and possible solution for resolving the grievance put forward during the previous stages will be evaluated.

If the grievance is resolved by agreement, the CEO must record the outcome on the grievance. The employee, his/her representative (where relevant) and the CEO must thereafter sign the grievance form indicating acceptance of/ commitment to the solution as set out. A copy of this document must be given to the employee and a copy must be kept on the employee's personal file (electronic).

If the grievance remains unresolved, the CEO in his/her capacity as Chairperson of the grievance enquiry must make a decision as to whether the grievance had been established on a balance of probabilities. If this was not the case, this must be recorded and it is the end of the internal process. If the grievance had been established, and no agreed solution could be arrived at, s/he must make an appropriate decision. In this, the Chairperson is not limited, but should have regards to what would be fair, reasonable and practical under the circumstances.

The outcome of this step is final.

6.2. Procedure for Collective Grievances

In the event of the grievance affecting or being common to a group of employees, the employees concerned shall elect a delegation of not more than three employees in the case of non-union members or be represented by up to three trade union officials and/or members, in the event of a grievance affecting members of a trade union.

Steps 1 to 3 may be followed, with the representatives acting on behalf of the group or its members.

Grievance Concerning the Immediate Senior(s)

In the event of the employee alleging that the grievance has arisen out of an act or omission by the immediate senior, the grievance may be referred immediately to stage 2. In the event of the employee(s) alleging that the grievance has arisen out of an act or omission by the Stage 2 Senior, the grievance may be referred immediately to stage 3.

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7. FORMAT OF GRIEVANCE HEARINGS AND RELATED ISSUES

The format to be followed with respect to a grievance meeting or enquiry is more informal than in a disciplinary enquiry, and is aimed at resolving the issues at hand. The process to be followed during the meetings is to be determined by the Senior involved. There is, however, a minimum of requirements:

(1) Representation

An employee or a group may choose to represent him/herself or themselves (by electing persons as above). Representation by an external trade union representative of a union that is recognised as exclusive bargaining agent may take place. Alternatively, an employee or group may be represented by a colleague or co-employee within Lüderitz Waterfront Development Company. An employee electing to represent him/herself may be accompanied by one co-employee for support. Legal representation is not allowed.

(2) A fair opportunity to state the problem

The employee, trade union official or other representative must be given a fair chance to state the problem.

(3) Minutes must be kept of Stages 2 and 3

Minutes must be kept of Stage 2 and 3 enquiries. The employee is entitled to a copy of the Minutes, on written request, within three working days from the enquiry.

(4) Outcome

In the event of an agreement being reached during stages 1 to 3, such agreement must be recorded in writing and signed by the employee, his/her representative (if applicable) and the Senior.

In the event of no agreement being reached, and the Chairperson having to make a decision at stage 3, s/he must do so in writing, providing reasons for the decision, and make copies available to the parties involved. A copy must be placed on the employee's file (electronically).

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8. TYPICAL FORMAT

Before the grievance hearing/meeting

Management and the employee (or representative) may wish to prepare for the grievance enquiry, e.g. by having regard to any relevant documentation and contacting other persons involved.

The grievance enquiry:

- Opening and welcome
- Statement of which stage the grievance is at, and the powers of the chairing manager.
- The nature and scope of the issue should be determined. Statement of the problem as per the written grievance statement and if necessary, a discussion to ensure a mutual understanding of the issues and processes involved.
- The Manager should attempt to find out exactly what the nature of the problem is, including sufficient details, and may ask questions from the employee or representative to establish this. The chairing manager thus plays an active role, e.g. by deciding to call additional witnesses if necessary.
- Despite the more inquisitorial role played by the chairing manager, s/he does in some respects play the same role as the chairperson of a disciplinary hearing, in that s/he regulates the order of the hearing, allow for opportunities to state issues and to ask questions of witnesses.
- Seeking a joint solution is the next step. Regard should be had to the suggested solution indicated by the employee on the Grievance referral, but options should not be limited to this suggestion.
- If a solution has been reached, it should be recorded in writing, in sufficient details and with timeframes, and then signed. Copies should be given to the relevant persons and be kept on the employee's file.
- If follow-up is required, the process and timeframes should be established.
- The meeting will be closed.

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After the Grievance Hearing:

- Follow-up as agreed or alternatively, implement the chairperson's decision.
- Ensure that copies of the Minutes (upon request) and the relevant forms are given to the employee or representative and placed on file.

9. Guidelines

The following must be kept in mind when using the grievance procedure:

- The procedure has been followed and all steps done accordingly.
- The time allowed for the various stages of the procedure depends on the nature of the grievance. The grievance must be attended to within the timeframe stipulated herein or where practically impossible, within a reasonable time agreed to by both parties.
- The objectives of the procedures must always be kept in mind.
- If a decision is taken the aggrieved employee has the option to accept or reject the decision.
- If the aggrieved employee rejects the decision, the onus is on him/her to decide whether the grievance must be referred to the next stage.
- From stage 3, the CEO will be involved during the grievance procedure, either by being present or being consulted. However, where it is desired, the CEO may participate in the process at Stage 1 & 2.
- Grievance should be raised as soon as possible, in order that they may be speedily resolved.
- If the employee and recognised union/association believe that a matter cannot be dealt with in terms of this grievance procedure, they may decide by mutual agreement with the CEO on the most appropriate manner to which the grievance may be referred.
- Prior discussion with the CEO the grievance must be rendered in writing.
- Nothing in this agreement will prejudice any party in terms of the applicable Labour Laws of the Republic of Namibia.

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10. Responsibility

The responsibility for the implementation and maintenance of this procedure lies with the HR Practitioner. Line Managers/Supervisors who have staff reporting shall ensure that these personnel are adequately guided and informed.

11. Documentations and records

The minutes of all meetings through the various stages shall be maintained on record for review, if and when required.

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	NOTICE OF GRIEVANCE ENQUIRY
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Surname:		Prefix:	
Initials:		Department:	

You are hereby notified that a (Stage 1, 2 or 3 – delete inapplicable) Grievance Enquiry is being held on(date) at..... (time). It will be held in (venue).

The Grievance Enquiry will be chaired by

The purpose of the Enquiry is to investigate your grievance in respect of:

.....
.....
.....

At this Enquiry, you will be given the opportunity to explain your grievance, call relevant witnesses and present evidence.

You have the right to be represented by one person as specified in the Grievance Policy.

The proceedings will be conducted in (language). If you require an interpreter to have the proceedings translated into you home language, you must notify me in advance of the Enquiry.

After investigating your grievance, the Chairperson will decide on appropriate action to resolve the matter.

Signature: Name:
(Chairperson)

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	Grievance Form (Stage 2)
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Surname:		Prefix:	
Initials:		Department:	

TO BE COMPLETED BY EMPLOYEE:

Nature of grievance:

.....
.....
.....
.....

.....

Employee's signature

.....

Date

STAGE 2: TO BE COMPLETED BY THE EMPLOYEE'S SENIOR

Date of enquiry (within 5 working days of receiving grievance form):

Results of enquiry:

.....
.....
.....

Signature: Name:

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	Grievance Form (Stage 3)
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Surname:	Prefix:.....
Initials:	Department:

STAGE 3 : TO BE COMPLETED BY EMPLOYEE:

Reason why grievance was not resolved at stage 2:

.....

.....

.....

.....

.....

Employee's signature

.....

Date

STAGE 3: TO BE COMPLETED BY THE PERSON TWO LEVELS ABOVE EMPLOYEE'S SENIOR

Date of enquiry (within 5 working days of receiving grievance form):

Results of enquiry:

.....

.....

.....

.....

Decision:

.....

.....

.....

Signature:

Name:.....

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