



GRIEVANCE PROCEDURE

ZOA STAFF

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Table of contents

1 PREFACE 3

2 DEFINITIONS AND CONTACT DETAILS 4

3 PRINCIPLES OF THE PROCEDURE 6

3.1 Petitioner protection: non-retaliation

3.2 No anonymity

3.3 Confidential handling report

3.4 Consulting with advisor

3.5 Communication on the procedure

3.6 Documentation

4 THE PROCEDURE 8

4.1 Procedure in brief

4.2 Step-by-step overview procedure

*4.3 Evaluation of *Injustices* and/or *Complaints**

APPENDIX 1: INJUSTICE AND/OR COMPLAINT FORM ZOA 11

APPENDIX 2: BRIEF OVERVIEW OF PROCEDURE 12

1 PREFACE

This grievance procedure has been drawn up for ZOA employees. On account of the Dutch Law House for Whistleblowers, ('Wet Huis voor Klokkenuiders'), ZOA has expanded on the existing complaint procedure to this current malpractice and complaints procedure. This document describes the handling of a report, both a Complaint and an Injustice, the steps to be taken and the people who are involved in the procedure.

ZOA insists that every employee (see definition under 2) be in possession of a copy of this procedure and be familiar with its contents. This will contribute to a healthy and transparent work environment for all. ZOA will publish the guideline of this procedure Insite, the Q-disk and PMS, and / or ensure that each employee has a (digital) copy.

WHY

ZOA is an international organization established in the Netherlands, which connects her Christian identity with actions based on her core values. These core values are faithfulness, human dignity, stewardship and justice.

ZOA supports people suffering from an armed conflict or natural disaster. We contribute to a new perspective of hope in which people work together in dignity and mutual trust in their future. Together with the affected communities, we are working towards further recovery, until they can live in their own lives again.

In the aid we give, we make no distinction based on race, ethnicity, religion or sex. ZOA employees are expected to comply with these behavioral norms in their personal and professional behavior.

ZOA sets high standards for good teamwork and cooperation with employees and for the professionalism of its work, and recognizes the importance of immediate resolution of conflicts.

In the event that an employee has a conflict or a complaint, or a suspicion of an injustice, it is essential that there be a fair and safe procedure for handling it, in order to achieve recovery and a solution.

WHO

This procedure is for all (former) employees of ZOA; both in the Netherlands and in ZOA programme countries, in the field and at country offices. This includes volunteers, trainees, trainees and self-employed contractors ('ZZP'ers') (see the full definition under 2).

There is a separate complaints procedure for the beneficiaries of ZOA projects, partners and other stakeholders of the programmes.

HOW

This grievance procedure describes how and where a suspicion of injustice or complaint can be submitted and the procedure under which they will be dealt with.

2 DEFINITIONS AND CONTACT DETAILS

In this procedure the following terms will be used and they are defined thus:

- **Employee:** Anyone who has now, or has in the past had, a contract of employment with ZOA (ZOA the Netherlands or ZOA Programme Country), or anyone who has worked for ZOA on a different basis than an employment contract, such as volunteers, trainees, trainees, and self-employed contractors ('ZZP'ers').
- **Code of Conduct:** The Code of Conduct, or Child Protection Policy or any other code or policy established by ZOA which describes the behavior which ZOA's expects from its employees.
- **Suspicion of an injustice (hereafter to be shortened to *Injustice*):** The suspicion on the part of an employee that there is an injustice at ZOA, or at another organization with whom he has come in contact with through work for ZOA, provided that:
 - (i) the suspicion is based on reasonable grounds arising from the knowledge gained by the employee at ZOA or deriving from the knowledge gained by the employee through his work with another company or organization, and
 - (ii) public interest is at risk on account of (the threat of) e.g. the violation of a statutory requirement, a public health hazard, grave personal harm, risk of damage to the environment, the risk of the organisation being unable to function properly as a result of inappropriate behaviour, neglect to provide information or malicious intent to withhold, destroy or manipulate information

This might include, but is not limited to, the following:

- (threat of) a felony, such as theft, fraud, corruption and falsification;
- (threat of) the wasting of donated funds;
- (threat of) the deliberately withholding, destruction or manipulation of information regarding said topics.

- **Complaint:** the complaint about non-compliance / violation of a ZOA code of conduct. May be referred to as *Complaint* from now on;
- **The petitioner of an injustice or complaint:** A ZOA employee reporting a suspicion of injustice or complaint.
- **Report :** the reporting of a suspicion of an injustice or complaint pursuant to this procedure;
- **External report:** report to the pertinent external authoritative body.
- **Internal advisor:** The designated ZOA employee to whom one may turn for advice regarding the steps to be taken for reporting an *Injustice* or *Complaint*. This person is bound by confidentiality. At ZOA the Quality Manager is that person, but at the time of the start of this procedure this position is vacant, so an HR officer will temporary work as Internal advisor: Lydia Gerritsma, e-mail l.gerritsma@zoa.ngo, phone number: (0031) (0)6 50518622 or (0031) (0)55 366 3339.
- **External confidential advisor:** An independent person who is outside the organization but is affiliated with ZOA. In the event of a suspicion of an injustice or complaint, the person reporting the suspicion can request advice from the external confidential advisor or even make their report to this person. The external confidential advisor is Ms. Nelie Schut and can be contacted by e-mail at nelieschut@direction-coach.nl.
- **Whistleblower House:** The relevant agency in the Netherlands for advice on and reports of suspicion of injustice. This service is only available to ZOA staff members with a Dutch or international employment contract.

The Whistleblower House is available by phone on weekdays from 9:00 to 17:00.

General number: 0031 (0)88 3713033.

For questions on reporting an injustice: 0031 (0)88 3713031.

For employer questions: 0031 (0)88 3713032.

Email contact details: kenniscentrum@huisvoorklokkenluiders.nl.

For advice on reporting an injustice: advies@huisvoorklokkenluiders.nl.

For employers and all general matters: info@huisvoorklokkenluiders.nl.

You can check the up-to-date details at : www.huisvoorklokkenluiders.nl

- **Appeals Commission:** may be established at short notice by a member of the board or a member of the supervisory board to handle an unsolved report. This committee will consist of the HRM Director and two other persons. It handles those reports that have not been dealt with in a satisfactory manner, in the opinion of the petitioner.
- **Supervisory Board:** The Board which oversees and advises the Board of Directors of ZOA, represented by the Chairman of the Supervisory Board or a designated member of the Supervisory Board. At the time of this procedure taking effect, this person is:
Harry Paul, e-mail h.paul@zoa.ngo phone number: (0031) (0)55 3663 339.
- **Board member:** One of the members of the Executive Board of ZOA in the Netherlands, this may be the Chief Executive Officer or Chief Programme Officer. As a rule, the member of the board who is responsible in the hierarchy is the relevant person; however, if there is a conflict of interest, then the other member of the board is deferred to.
At the time of this procedure taking effect, these persons are:
 1. Arco van Wessel
e-mail: a.vanwessel@zoa.ngo
Phone number (00 31) (0)6 3493 3377 of (0031) (0)55 3663 339.
 2. Chris Lukkien
e-mail: c.lukkien@zoa.ngo
Phone number (00 31) (0)6 2866 2260 of (0031) (0)55 3663 339.
- **Country Director:** the director of a ZOA Programme Country
- **HRM Director:** Head of Human Resources Management. At the time of this procedure taking effect, this is: Wil Omlo, e-mail w.omlo@zoa.ngo phone number (0031) (0)6 16 580 676
- **Manager:** The responsible manager of the employee(s) in ZOA NL, or in a ZOA Programme Country.
- **Subsequent Manager:** the executive in charge of the responsible manager of an employee who is reporting an injustice or complaint. Whenever a report or complaint relates to the petitioner's responsible manager, the employee should make their report to the next manager upwards in the hierarchy.

3 PRINCIPLES OF THE PROCEDURE

3.1 PETITIONER PROTECTION: NON-RETALIATION

Any petitioner who makes a fair and just report of an *Injustice*, according to the grievance procedure, shall not face any form of retaliation or negative impact to his position, as a result of the whistleblowing as referred to in article 7:658C Dutch Civil Code ('Burgerlijk Wetboek').

3.2 NO ANONYMITY

ZOA and the external confidential advisor **cannot handle anonymous reports** of *Complaints or Injustices*, on account of there being no particular petitioner of the injustice or complaint, who would be able to receive the feedback after the report has been dealt with. Nevertheless, ZOA will accept the notice of such anonymous reports, and a concerted effort will be made to examine them further, with the proviso that they cannot be dealt with according to the guidelines in this procedure.

A petitioner of the *Injustice* or *Complaint* may **contact the external confidential advisor directly** without the intervention of ZOA. In that case, the confidential advisor will contact the petitioner to discuss the report and inform them about the procedure to be followed. The confidential advisor will only share the content of the report and the petitioner's name with ZOA with his or her consent. The external confidential advisor will not be able to handle a *Complaint* as long as the respondent claims anonymity within ZOA, but an *Injustice* can be dealt with under the condition of anonymity.

If an employee reports an *Injustice* to the external confidential advisor and the petitioner has not consented to the revealing of his identity, all correspondence on the report will be sent to the confidential advisor, who will forward it to the petitioner without delay. **In so doing, the petitioner of an *Injustice* can retain anonymity within ZOA, provided he/she is known to the external confidential advisor.**

3.3 REPORT HANDLED CONFIDENTIALLY

ZOA will ensure that information about the report is retained in such a manner, that it is only accessible (physically and digitally) to those directly involved in handling the report. Everyone involved in the matter is obligated to handle the report and all its pertinent information in confidence.

3.4 CONSULTING WITH ADVISOR

There are three places where an employee can first seek advice with regard to the steps to be taken to report a complaint or the suspicion of an injustice. For contact information see Chapter 2.

1. The Internal Advisor (the Quality Manager)
2. The External Confidential Advisor (Nelle Schut)
3. Advice Division of the Whistleblower House: Request information, advice and support for suspicion of an injustice (i.e. not for a *Complaint*). This service is only accessible to ZOA staff with a Dutch or International contract. All other employees can receive advice from the persons under 1 and 2.

3.5 COMMUNICATION ON THE PROCEDURE

Each employee must be aware of the grievance procedure, and of the manner in which reports are dealt with.

New employees shall receive the procedure as an attachment to their contract. The procedure will also be published on Insite, the Q-disk and PMS.

In the programme countries, the country directors are responsible for informing their employees on this procedure. If necessary, this information may be provided in the local language. It is important to check that the procedure is properly understood

At the office of ZOA in the Netherlands this is the task of the managers/supervisors.

Employees should be able to find out from their supervisor, where they can find this procedure.

3.6 DOCUMENTATION

At country level, the country director will retain a record of all received reports and measures taken. Twice a year, February and November, each country director sends an overview of all reports and actions taken to HRM.

The HRM Director keeps an overview of all received reports and actions taken, including those of ZOA the Netherlands. The HRM Director will report on it twice a year to the Board of Directors of ZOA. Each separate report must be included in the file, without its content being altered in any way.

4 THE PROCEDURE

4.1 PROCEDURE IN BRIEF

Appendix II of this document gives 2 tables with brief summaries of the procedure and of who are (or might be) involved in the suspicions of injustices or complaints. The procedure is described in 4.2 below

4.2 STEP-BY-STEP PROCEDURE

4.2.1

First of all, an employee can seek **advice** on any *Injustice* or *Complaint*, from the internal advisor or the external confidential advisor.

In the event of an *Injustice*, an employee may also seek advice from the Department of Advice for Whistleblower House.

4.2.2

An employee with a **Complaint must first discuss this themselves** with the person responsible for it. An *Injustice*, on the other hand, must be reported immediately.

4.2.3

4.2.3a

If the two persons mentioned in 4.2.2 can not resolve the *Complaint* informally, an employee may **lodge a formal complaint** with his / her own direct supervisor. However, an employee can report an *Injustice* immediately to his own direct supervisor.

A *Complaint* or *Injustice* will be dealt with in accordance with this procedure as soon as the employee has formally submitted it using the ZOA injustices-or-complaints form (see Appendix I). Subsequent reports by Injustice or Complaints handlers will be conducted without changing the content.

NB If the report of *Injustice* or *Complaint* relates to their own direct supervisor, the petitioner of the report will make the report to the next supervisor. If the *Injustice* or *Complaint* relates to the next or higher supervisor, the petitioner will hand over his report to the supervisor above. The highest level to whom an internal formal report of a *Injustice* or *Complaint* may be made, is the Chairman of the Supervisory Board.

4.2.3b

If an internal formal report of an *Injustice* or *Complaint* is not possible because, for example, it would be unreasonable to expect this from the employee, the employee may make an **external formal report to the external confidential advisor (both in *Injustice* and *Complaint*)**.

Employee may report a work-related *Injustice*, when there is substantial reason to do so and under certain conditions, directly to the Department of Investigation of the Whistleblower House (further information available). The Whistleblower House is only accessible to ZOA staff with a Dutch or International contract; All other employees may report an *Injustice* to the direct supervisor or to the external confidential advisor.

4.2.4

The recipient of the report (as described above this will be either the direct supervisor, the first senior supervisor, or the external confidential advisor) will decide who is responsible for the handling of the report of *Injustice* or *Complaint* (henceforth referred to as "Handler"), depending of the nature of the issue at hand.

The recipient of the report will further inform the HRM and Country Director or Member of the Board. The HRM Director will support the Handler in the actual handling of the report.

If the report relates to the HRM Director, the roles mentioned in this procedure shall be completed by the General Manager.

4.2.5

The petitioner of the *Injustice* or *Complaint* will receive **proof of receipt of the report** within two weeks from the Handler, including an explanation and timetable of the procedure to be followed. The maximum handling period is 8 weeks.

4.2.6

The **first investigation** that follows the report should determine whether or not the report of *Injustice* or *Complaint* is justified.

After a report of an *Injustice* or *Complaint*, a further investigation will be conducted unless:

- i) *Injustice* or *Complaint* proves to have no reasonable grounds
- ii) it is clear in advance that the reported issue does not relate to an *Injustice* or *Complaint*.

If the decision is made not to pursue further investigation, the Handler will inform the petitioner within two weeks of after submitting the report, by means of a written Decision.

4.2.7

If, however, a **further investigation** into the *Injustice* or *Complaint* is started, the Handler shall delegate said investigation to researchers who are independent and impartial, and does not in any case have the investigation be carried out by persons who may be involved in the suspected injustice or irregularity .

The petitioner is informed of the investigation and the assignment to investigate.

The researchers allow the petitioner to be heard and they may hear other people.

The statements made will be put down in writing. The researchers conclude the investigation with a report to the Handler. The report will also be submitted to the petitioner unless there are serious objections against doing so.

4.2.8

The Handler will **decide** on the content of the decision and the subsequent actions that have been / will be taken, and will inform the petitioner of the *Injustice* or *Complaint*, in writing within 8 weeks. If the eight-week period proves unfeasible, the Handler will inform the petitioner within which time the completion of the investigation should be expected. The relevant Country Director or Board Member will be duly notified of the decision as well.

The response received by the petitioner will contain the following information:

- whether ZOA has determined the report to be justified or not, with explanation;
- whether ZOA has determined the report to meet the definition of *Injustice* or *Complaint* and will be handling it as such;
- the decision that has been reached in response to the report and possible follow-up actions;
- that it is possible to appeal if the petitioner is not satisfied with the result.

4.2.9

Understanding: The petitioner who reports the suspicion of an injustice or the complaint will indicate whether they have understood the response.

4.2.10

If the petitioner is not satisfied with the decision of ZOA regarding the report, he may **appeal** to a member of the board within 30 days or, if one of the board members is already involved, with the chairman of the supervisory board.

The person to whom the appeal is submitted will form a professional committee consisting of at least three members, including the HRM Director. The person to whom the appeal is submitted will not take a seat in the Appeals Committee. Ensuring that there are no conflict of interests with regard to the persons in the committee will require careful attention. The Appeals Committee will handle the appeal and the petitioner will give a written response within 6 weeks to the conclusions and actions relating to the report. A copy thereof will also be sent to the person with whom the petitioner has filed the appeal. After that, no further appeal is possible.

4.2.11

If any disciplinary action is taken with respect to the person in question, the employee will be informed in writing of the allegations against him / her and will be given the opportunity to respond to them.

4.2.12

The employee is free to initiate an external procedure after the internal procedure has been completed.

4.3 EVALUATION OF *INJUSTICES* AND / OR *COMPLAINTS*

Reports and subsequent lessons learned from such reports will be evaluated once a year in March. This will be done during the International Management Consultation, where the country directors, management and management team of Netherlands will participate.

During this evaluation, all parties involved in the *grievance* will be anonymized, so that nothing can be traced back to individual persons.

The purpose of this evaluation is to ensure a consistently high level of professionalism and a transparent working environment. Besides, by monitoring the nature, frequency and location of the reports, certain trends may be detected and specific measures can be taken. Finally, an internal control mechanism is built into the annual evaluation of reports of *grievances* and the treatment thereof. This will further encourage a correct handling of reports and proper communication to all concerned.

Appendix 1: Grievance form ZOA

1. Details of a petitioner of the complaint / suspicion of an injustice

Name:	
Email address (if applicable):	
Phone number:	

2. To which country/programme/department of ZOA does this complaint relate / does your suspicion of injustice relate?

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3. Description of the complaint / suspicion of an injustice

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4. Appendices – in case of appendices, please specify the number and nature of the appendices which are attached.

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Date:	
Place:	

Appendix 2: brief overview procedure

FOR SUSPICIONS OF INJUSTICE

Approach for advice	Report of <i>Injustice</i> made to	<i>Injustice</i> or <i>Complaint</i> handled by	Support during handling	Further investigation of the report by	Decision upon investigative report	Appeal lodged at	Appeal handled by
- internal advisor or - external confidential advisor or - Whistleblower House	- own direct supervisor or - external confidential advisor or - Whistleblower House	Person assigned the task by the person to whom the report has been made	HRM Director	An investigative committee assigned by the Handler	Handler	Member of Board	Appeals Committee of 3 members, including the HRM Director
					Within 8 weeks of report	Within 30 days of decision	Completed within 6 weeks

FOR COMPLAINTS

Approach for advice	Report of <i>Complaint</i> made to	<i>Injustice</i> or <i>Complaint</i> handled by	Support during handling	Further investigation of the report by	Decision upon investigative report	Appeal lodged at	Appeal handled by
- internal advisor or - external confidential advisor	- first to the person concerned - then to own direct supervisor or - to external confidential advisor	Person assigned the task by the person to whom the report has been made	HRM Director	An investigative committee assigned by the Handler	Handler	Member of Board	Appeals Committee of 3 members, including the HRM Director
					Within 8 weeks of report	Within 30 days of decision	Completed within 6 weeks