

2021

HRM.01 Disciplinary, Grievance & ICC Procedure



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GCS Medical College, Hospital and Research Centre



GCSMCH & RC/HRM/01

Issue No: 01

Issue date: 19.06.2021

**1.Disciplinary & Grievance
Procedure**

Revision No: 01


Revision date:30.10.2021

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1.0 Policy

The Organizational policy is to ensure fair and effective arrangements exist for dealing with disciplinary matters and that as far as possible common standards are observed for all employees. The procedure covers unsatisfactory conduct or unsatisfactory work performance, if this is wilful or caused by carelessness. A separate procedure applies to cases of capability. This Disciplinary Code aims to:

1. Promote efficient and safe performance of work.
2. Maintain good employee relations within the Organization.
3. Help and encourage staff to achieve and maintain the appropriate standards of conduct that the organization expects of its entire staff.

2. Purpose:


The goal of progressive discipline is to improve employee performance. The progressive discipline is not intended as a punishment for an employee, but to assist the employee to overcome performance problems and satisfy job expectations up to the mark as expected from organization.

3. Scope:

Progressive discipline is a process for dealing with job-related behaviour and attitude to meet the organizational standards or performance. The process features are increasingly formal efforts to provide feedback about his/her working performance and attitude of the employee, so he/she can correct the problem to enhance their job performance at work.

This procedure applies to all employees of the Organization (including those serving probation period) except for those staff covered by virtue of their terms and conditions of employment.

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4. Responsibility- HR departments

5. Distribution- Hospital wide


6. Principles:

- 6.1 Minor lapses from accepted standards of behaviour will normally be responded to by informal advice and encouragement.
- 6.2 Formal disciplinary proceedings will not be started without prior investigation of the alleged offence.
- 6.3 Employees have the right to advance notice in writing of the complaint against them and have the right to state their case, orally and/or in writing, before a decision on disciplinary action is reached.
- 6.4 Employee shall receive written confirmation of any penalty imposed.
- 6.5 Except for gross misconduct, no employee shall be dismissed for a first breach of discipline.
- 6.6 Matters shall be dealt with quickly and within specified time limits wherever practicable.
- 6.7 Criminal offences not related to the individual's employment shall not be treated as automatic reasons for dismissal. The main considerations will be whether the offence is one that makes the member of staff unsuitable for his/her work or the effect of the conviction on the reputation of the organization.
- 6.8 The disciplinary process may be implemented at any of the formal stages set out below, dependent on the seriousness of the complaint against the employee, or as a cumulative result of previous disciplinary action.
- 6.9 If an employee fails to attend a disciplinary hearing on a second occasion without good reason then a disciplinary decision will be taken in their absence based on the information available and this decision will then be communicated to the individual.

7. Policy:

Hospital shall have documented Service standard and employee rights and responsibility for its staff and employees.

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Hospital service standard shall be in accordance with applicable labour laws and the requirements of the hospital. The disciplinary policy and procedures shall be written in accordance with the principles of natural justice and the in accordance with the legal requirements.


Each staff member shall be asked to go through with special emphasis on discipline and misconduct before joining. HR Officials and HODs / Supervisors / In-charges, shall also advised to ensure that all categories of employees know the policy and procedures on discipline and misconduct.

Disciplinary procedures shall be as per the prevailing applicable labour laws.

8. Procedure to handle misconduct:

- a. Any acts of misconducts or any other acts subversive of discipline should be brought to the immediate notice of the Department Head or the Sr. GM-Operations & HR
- b. In the event of any complaint by any employee against his/her co-employee, or by a Superior against an employee or by an employee against his/her Superior, the same should be given in writing by the complainant to the Department Head or the Sr. GM-Operations & HR.
- c. In cases that are not very serious in nature, the immediate Superior will talk to the employee concerned and if necessary, the employee may be verbally cautioned / warned by the immediate superior and/or by the Departmental Head.
- d. Disciplinary proceedings would be initiated by the Sr. GM-Operations & HR or person authorized by management.
- e. Any warnings to be communicated to the employees should be in writing, except in respect of cases that are not very serious in nature. However, if such minor acts are repeated by the employee in spite of the verbal warning earlier, then subsequent warnings should be communicated in writing.

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f. All such written communications with the employees on matters of discipline will be issued by the H.R. Department and will have the approval of the Sr. GM-Operations & HR

g. If an employee is alleged to have committed misconduct, warranting disciplinary action to be taken against him, the immediate superior will prepare a detailed report indicating the exact time, date of incidence, describing the alleged misconduct as it took place, and submit it to the Sr. GM-Operations & HR together with the original complaint, other witnesses to the incidence, documentary evidence, if any and any other relevant information.

h. After going through the report carefully and verifying the details, the Sr. GM-Operations & HR would then forward the case to the top management with appropriate comments.


i. The top management would then, in consultation with the Sr. GM-Operations & HR and the concerned Superior, decide depending upon the gravity of misconduct, either to warn the employee or issue a charge sheet asking the employee to show-cause in writing why disciplinary action should not be initiated against the employee for the misconduct.

j. Notices in respect of cases which are grave in nature will be referred to the hospital's Legal Advisor and the opinion of the Legal Advisor will be sought on the disciplinary action to be taken and drafting of the Notice. The Sr. GM-Operations & HR will co-ordinate with the Legal Advisor on behalf of the hospital in all such cases.

k. If the employee refuses to receive the charge sheet, the same will be endorsed on a copy of the charge sheet along with the signature of 2 witnesses, preferably co-employees. The original charge-sheet must be sent to the last known address of the employee by Registered Post Acknowledgement Due.

l. If the explanation is satisfactory, there is no malice and the act was not intended to harm anyone or is not of the nature of indiscipline, the case may be dropped with a warning if necessary. If however the explanation is not satisfactory or if no written explanation is received within the stipulated date a domestic enquiry will be ordered. This decision will

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however be taken by the Sr. GM-Operations & HR and with an opinion of the hospital's Legal Advisor.

m. The Sr. GM-Operations & HR will appoint an Enquiry Officer to conduct enquiry and issue a notice of enquiry to the concerned employee.

n. The Sr. GM-Operations & HR shall seek the services of an Independent Professional Enquiry Officer, who has knowledge of conducting enquiry and is well versed in the procedure of conducting enquiries. The Sr. GM-Operations & HR shall liaise with the Enquiry Officer in providing the requirements and making all necessary arrangements for the enquiry proceeding smoothly

o. The Sr. GM-Operations & HR and the H.R. Official will make a study of the enquiry report submitted by enquiry officer.

p. Enquiry Officer and will take a decision on the disciplinary action, in consultation with the hospital's Legal Advisor. The same will be communicated to the charge-sheeted employee personally or by Registered Post Acknowledgement Due by the H.R. Department.

q. The procedure for disciplinary action will be as per guide of the Hospital.

8. Procedure:

Step 1:

- The delinquent employee may be issued verbal notice or a letter by HOD/immediate in-charge mentioning the entire incident and asking for a written explanation within stipulated period of time. The verbal notice must be recorded and should be exist in employee's file.
- If the reply of the delinquent employee is found to be satisfactory, the matter may be closed by issuing a caution letter of warning for his/ her consequences if the same is repeated in the future.

Step 2:

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- If the reply of the delinquent employee is found to be un-satisfactory, it is the responsibility of the concerned HOD to ensure that the incident report/intimation must reach to Sr. GM-Operations & HR within 24 hrs. from the date of the incident.
- Sr. GM-Operations & HR will investigate the matter in co-ordination with concerned HOD or Functional Heads and then the delinquent employee may be issued a charge sheet by the Sr. GM-Operations & HR in consultation with HOD.
- Keeping in view the principle of natural justice, organization will conduct a Domestic Enquiry to investigate the matter. An Enquiry Officer will be nominated by the management.
- Based upon the enquiry proceeding and the final recommendation of the Enquiry Officer, the final decision should be taken by Sr. GM-Operations & HR in consultation with Dean/ Board under the view of legal aspect too.
- If employee is given 3 written notices within their employment period, the employee will be liable for termination.

Step 3:

- If the nature of the misconduct is grave, the delinquent employee may be suspended with immediate effect prior to disciplinary action.
- Post enquiry an appropriate punishment to be awarded based upon findings of the enquiry proceeding and legal view.

Action Levels:


Levels are classified based in the gravity /seriousness of the grievance /complaints.

- Level 1 would imply a Strict Warning/ Reprimand note.
- Level 2 would be a Temporary Suspension.
- Level 3 would be an Outright Termination

The gravity of the misconduct is to be judged by Sr. GM-Operations & HR in consultation with Dean.

The HR officials will monitor and initiate the above disciplinary procedure under the guidelines of Sr. GM-Operations & HR and appropriate disciplinary action will be initiated based on the nature of the misconduct by Sr. GM-Operations & HR at final stage.

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Grievance Policy

Purpose:

- The purpose of this policy and procedure is to provide a complaint and Grievance handling framework for the complainants as well as complaint & Recipients.
- To provide guidelines on how to lodge a complaint or grievance and how that Complaint or grievance will be dealt with.

Scope: This policy and procedure sets out the essential elements for the management of complaints from inception to outcome.


Definition:

Grievance: 'Grievance' for the purpose of this scheme would only mean a grievance relating to any employee arising out of the implementation of the policies/rules or decisions of the organization. It can include matters relating to leave, increment, acting arrangements, non-extension of benefits under rules, etc., of an individual nature.

All grievances are complaints, but not all complaints are grievances.

- **Contact violations** involve such matters as wages, hours, and other conditions of employment that are spelled out in the collective bargaining agreement.
- **Law violations** involve the violation of an applicable state law.
- Management responsibility involves areas that may not exist in the contract but are areas that management is responsible for and usually involve **safety, health, and working conditions.**

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- **Informal or verbal counselling** is also called friendly conversation because it is where the superior talks to the employee to correct bad habits and remedy a situation without discipline. Informal or verbal counselling/ warning should be recorded and should exist in an employee's file. It usually occurs prior to disciplinary action and is not the basis for a grievance.

"Just cause" is the standard, which ultimately determines whether the employer acted reasonably. By obtaining the additional information, the grievance representative can effectively determine whether the employer used just cause in their actions.


The grievance arising out of the following shall not be come under the preview of the grievance procedure:

- Terms of appointment settled
- Annual performance appraisal and increment
- Matters relating to disciplinary enquiry, action, and court cases, if any
- Where the grievance does not relate to an individual executive/person
- Any other management decision taken.

Objectives:

- To settle grievance of the employees in shortest possible time.
- At lowest possible level of authority; and
- To provide for various stages of escalation so that the aggrieved employees' grievances are resolved/ answered within a defined period.

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Responsibility: HOD/Supervisor and Sr. GM-Operations & HR

Distribution: All the employee of the Hospital.

Policy:

Grievance redressed procedure shall be explained to the employees during the hospital orientation programme so that they can address their grievances to their supervisors / Superior / HOD / Senior Management.

The redressed procedure shall address the grievance and with help and advice of the supervisor / superior / HOD / Senior Management attempts to redress the grievance and sort out the problems at all levels.


Appropriate actions shall be taken to redress the grievance by the HOD and Senior Management. Counselling sessions shall be scheduled, with the individual and all attempts shall be made to ensure that there is a redressed of the grievance to everyone's satisfaction. Grievance redressed shall be documented & communicated to aggrieved staff.

Role of a Grievance Representative:

A grievance representative is Sr. GM-Operations & HR person. A grievance representative has the right to counsel an employee before, during, and after an interview with the concerned HOD, assist the employee in presenting facts during an interview with the HOD, and request attendance at an investigatory interview.

Basic Steps of the Grievance Procedure:

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Every Grievance must be in writing for in prescribed format/register which is available from HR & Admin department.

- The first step consists of the employee and their immediate superior talking together to try to resolve the grievance.
- If the grievance is not mutually and satisfactorily resolved, then the grievance is appealed in writing to the Sr. GM-Operations & HR to assure fairness in the hearing and assist in resolving the problem.
- Sr. GM-Operations & HR will meet with the aggrieved employee on the priority of the complaint and act as:
 - To discuss the issue with reporting HOD/ Superior and close it within 3 working days of the grievance being raised
 - In cases of issues still not being resolved, the same to be taken with the committee on priority
 - If the employee is not satisfied with the decision of grievance redressal committee he/she can reach to the appealed authority Dr Kirti M Patel , Director via email/phone calls or personal meeting.

Grievance Committee Members:

1. Dean
2. Medical Superintendent
3. Sr. GM-Operations & HR
4. HOD (of respective dept.)

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Grievance Committee's functioning:

Below mentioned steps need to be following by the committee to address any grievance.

- Grievance will be escalated to committee by Sr. GM-Operations & HR as and when require.
- Committee will discuss internally about the facts within 2 days of the receipt of grievance.
- Committee will call the parties for deliberation based on any disciplinary action may take by HR & Admin department.
- Committee will suggest the course of action to be initiated and implemented.
- Implementation will be done by HR & Admin department.

Grievance Record:


HR & Admin department must maintain written records for every valid grievance.

PROCESS DETAILS:

Stage 1: Complaints Handling

The first step is to contact his/her HOD for the issue. All complaints and grievances will be filed. It will be used as a means of monitoring the complaint progress. The employee is advised of the processes and timeframe within which a response will be received. All attempts will be made to resolve complaints quickly and efficiently, without the need for formal application.

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Stage 2: Grievance Procedure

A formal review request may be lodged through the Grievance Procedure if a employee is not satisfied with HOD decision or is unhappy with the resolution of a complaint. The grievance will be assessed by the Grievance handling committee and the complainant will receive written notification outlining the results of the investigation.

Stage 3: Unresolved Grievances

If the internal Grievance Procedure mechanism proves unsatisfactory for the employee, then the matter can be referred to the Legal Counsel and/or the Courts (where appropriate).

Awareness/Training

Induction and Regular training are provided to the staff on when they can grievance and disciplinary action can be filed.

Grievance Form

Employee Name:		
EMP ID No:		
Contact No:		
Designation:		Grade: -
Email ID:		
Department Name:		

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Issues Related To	Working conditions	
	Transfers and Relocation	
	Allotment of Hostels	
	Roles /Responsibilities	
	Other	
Details	<ul style="list-style-type: none"> Describe the Grievance Factors contributing to the grievance Your suggestion to resolve the issue <p>Signature of the employee:</p> <p>Date:</p>	
Reporting to (Level-1)	(Your immediate Reporting Head)	
Reporting to (Level-2)	(your Next Reporting Head viz. Project/Department /Function) s	

Process flow for handling Grievance

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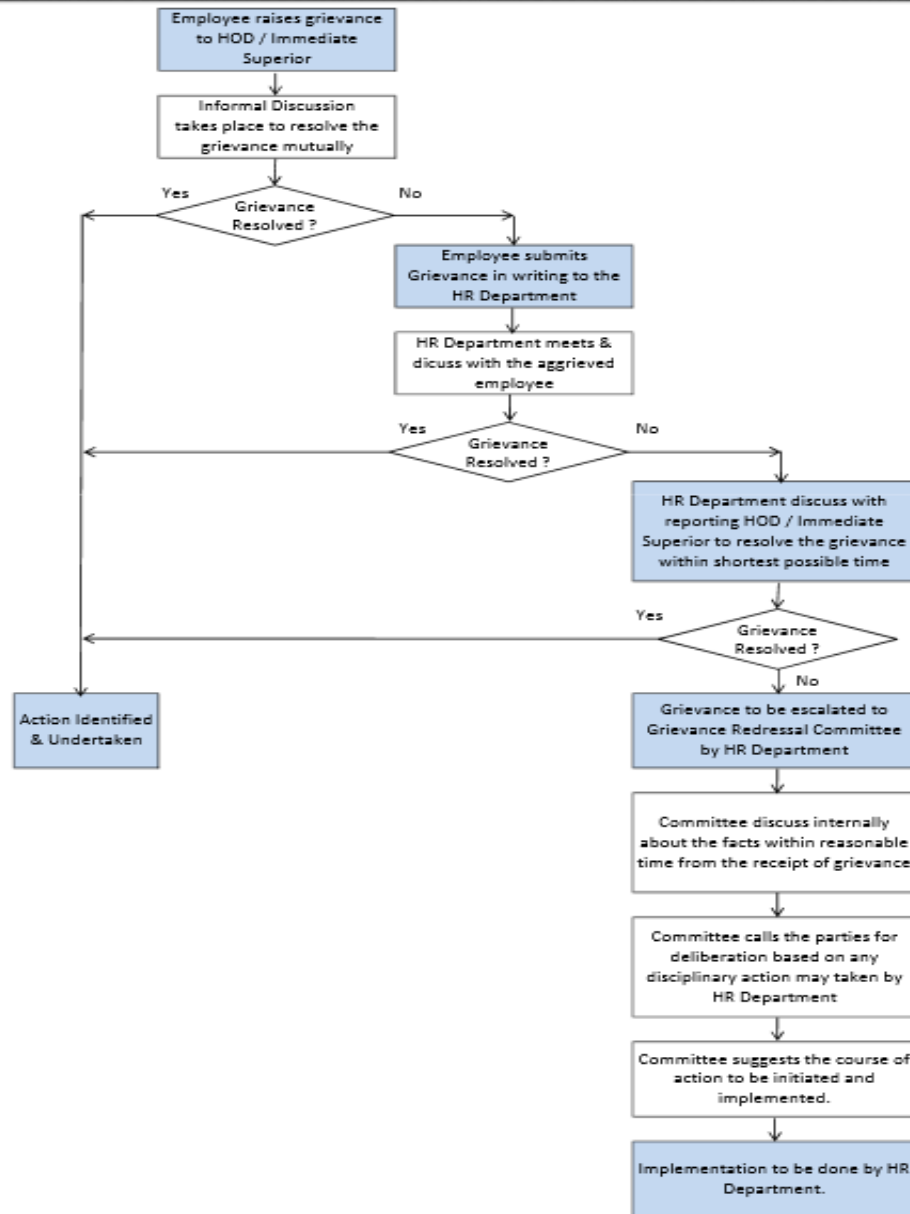
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Workplace Violation

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Incident where staff are abused, threatened, and assaulted in circumstances related to their work, including community to and from work, involving an explicit and implicit challenges to their safety, wellbeing, or health.

Internal Complaint Committee

PROCESS DETAILS:

Stage 1: Complaints Handling

The first step is to contact his/her HOD for the issue. However, in incidents of Sexual Harassments, the employee can give a written complain to the ICC committee also.

All complaints related to Sexual Harassment will be filed. It will be used as a means of monitoring the complaint progress. The employee is advised of the processes and timeframe within which a response will be received.


Stage 2: ICC Procedure

A formal review request may be lodged through the ICC Procedure. The committee would scrutinize the complaint details for further details. The committee will call both the parties – Victim and the Culprit separately for reconciliation.

If the conciliation fails, the committee will take written statements and explanations of both the parties.

The committee will also examine whether the complain will come under the preview of sexual harassment or not.

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Stage 3: Resolved ICC Complaints

The committee decides to start procedure for inquiry. The committee will provide opportunity to both the parties for a written explanation and prepare report.

On receipt of inquiry report, Management will initiate the action recommended by the ICC committee to resolve the complaint. There can be three cases

- Allegation proved action for misconduct
- Allegation not proved
- Punishment for false or malicious complaints/false evidence

In all the above cases, Communication to both the parties will be made on initiation of action and filing the case/complaint


Stage 3: Unresolved ICC Complaints

If the ICC Procedure mechanism proves unsatisfactory for the employee, then the matter can be referred to the Legal Counsel and/or the Courts (where appropriate).

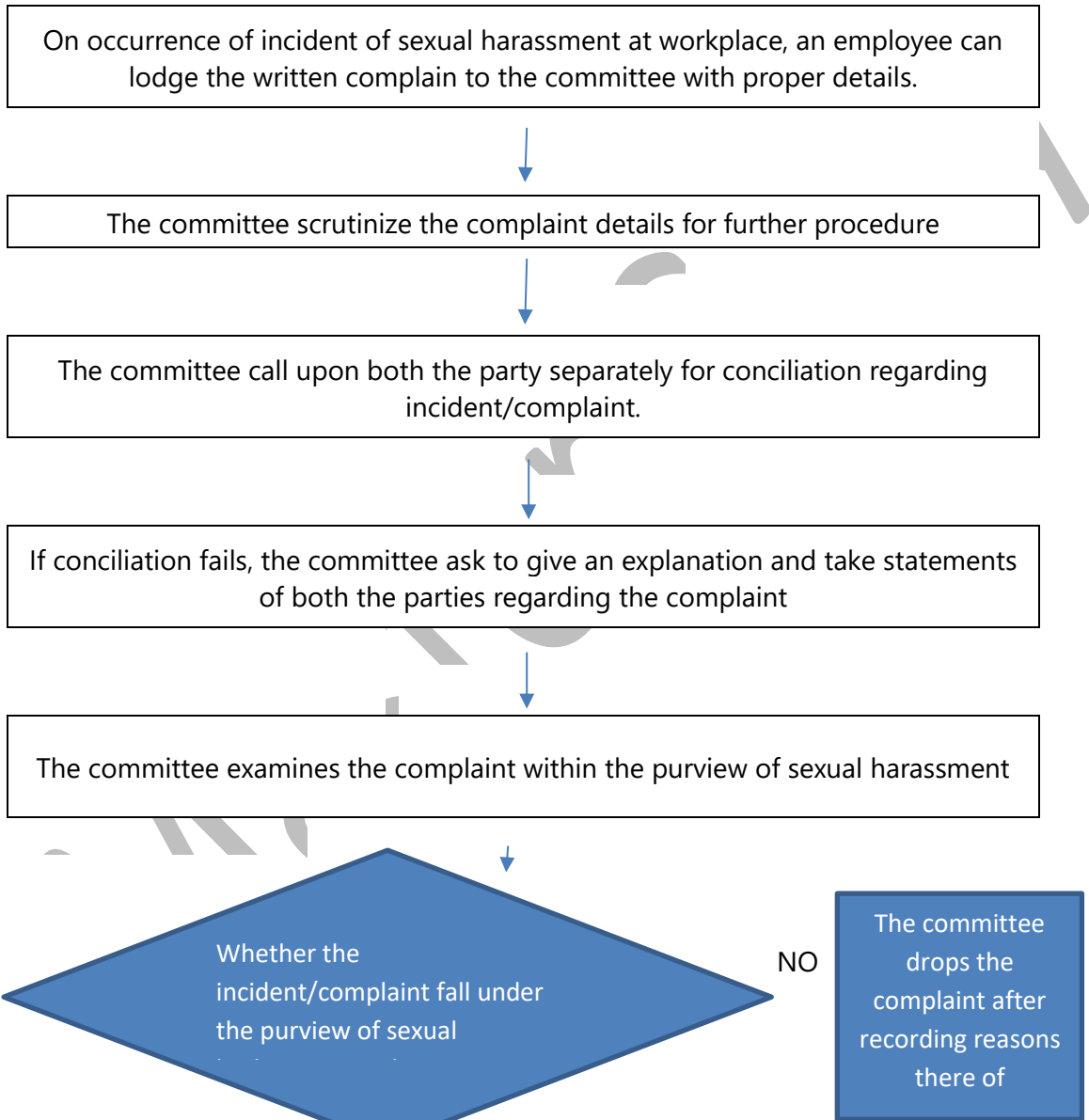
Awareness/Training




Induction and Regular training are provided to the staff on what does Sexual Harassment means, when they can they file Sexual Harassment incidents.

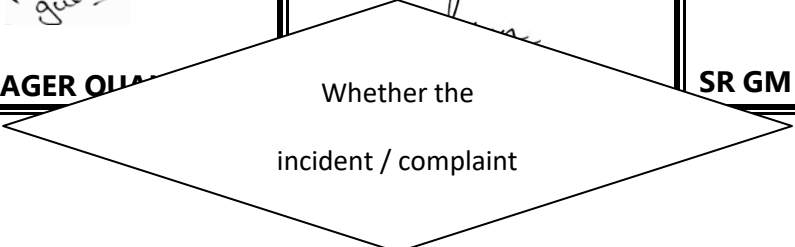
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Process flow for ICC Redressal



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YES

The committee decides to start Procedure for inquiry

The committee provide opportunity to both the parties for putting forward and defending their respective representation and prepare the report

On receipt of inquiry report, Management initiates the action recommended by the inquiry committee to resolve the complain

Allegation Proved
Action for Misconduct

Allegation Not Proved
No Action

Punishment for false or malicious complaint/false evidence

Communicate to both the parties on initiation of action and file the case / complaint.

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Amendment:

S. No.	Subject	Date of Amendment	Description
1	Add internal complaint committee	30.10.2021	As per the NABH 5 th edition we have replaced name as a ICC.

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MANAGER QUALITY

Asst. MANAGER-HR

SR GM OPERATIONS & HR