

MEMBER GRIEVANCES RESOLUTION PROCEDURE

1. PURPOSE

The purpose of this document is to explain the procedure for logging a grievance to the IWH.

2. SCOPE

This procedure is for grievances from members to other members as well as practitioners.

3. PROCEDURE

The complainant must submit a grievance to the IWH CEO/Secretariat by writing an official letter or completing the formal IWH grievance report.

The grievance must contain the following.

- a) the name of the IWH Member against whom the grievance is being made.
- b) the name and contact details of the complainant.
- c) an indication of the sections of the IWH Code of Conduct or Compliance Standard which have allegedly been breached.
- d) a detailed description of the actions/inactions which resulted in the alleged breach.
- e) a summary of evidence (e.g., emails, reports of phone conversations) in support of the grievance.
- f) confirmation that the complainant has exhausted every available option to resolve the dispute directly with the IWH Member.
- g) an undertaking that the grievance is made in good faith, and
- h) where appropriate, the complainant may suggest a satisfactory resolution process.

If the grievance lacks sufficient information, the complainant will be given an opportunity to provide the required information. A grievance will not be considered if it is deemed to be incomplete.

An acknowledgement of receipt will be sent to the complainant within 3 working days for grievances validly received. If this is not sent, it is suggested that the complainant query whether the grievance has been received by emailing ceo@ifwh.co.za or calling 011 450 1804.

The IWH CEO/Secretariat will assess the grievance and will seek advice from the IWH Rules and Regulations Committee if appropriate.

The IWH CEO/Secretariat will first follow an informal resolution process, which entails the following:

- a) The IWH CEO/Secretariat will forward the grievance to the relevant IWH member and request the Member to respond within 5 working days. The IWH CEO/Secretariat can arrange an informal meeting at the premises of the IWH with the complainant and the alleged defendant Member as well as a subject matter expert. On request and at IWH's CEO/Secretariat's discretion, an additional 5 working days may be allowed.
- b) All the Rules and Regulation Committee Members, as well as the Subject Matter expert and other parties involved in the resolution process shall sign a conflict-of-interest declaration (IWH-F072).
- c) After the informal meeting, or the reply of the alleged defendant, the IWH will forward the outcome to the complainant and alleged defendant, and request that the complainant advise if the grievance has been dealt with satisfactorily. At this time an informal site inspection can be arranged.
- d) If all the relevant parties are satisfied with the informal resolution, the grievance will be resolved.



If no satisfactory resolution is found following the informal resolution process, or the Member fails to respond within the allocated timelines, then the grievance will be escalated to the formal resolution process as detailed hereunder.

- a) In terms of the formal resolution process, the grievance (and responses) will be forwarded for resolution to the IWH Rules and Regulations Committee.
- b) The IWH CEO/Secretariat will act as liaison between the IWH Rules and Regulations Committee and the complainant/IWH Member.
- c) The IWH Rules and Regulations Committee must consider the merits of the grievance, considering.
 - ✓ The grievance and all supporting evidence.
 - ✓ The IWH Member's response to the grievance.
 - ✓ The Code of Conduct.
 - ✓ The associated practical recommendations.
 - ✓ Any previous grievances made by the complainant.
 - ✓ Any previous grievances made against the IWH Member.

The Rules and Regulations Committee may request additional information relevant to the grievances from the complainant/IWH Member and will specify a time frame for the provision of this information. If the required information is not provided within the specified time frame, the Rules and Regulations Committee must proceed to evaluate the grievance without the additional information.

In evaluating the grievance, the Rules and Regulations Committee must take the following into account:

- ✓ precedent.
- ✓ prior record of the IWH Member.
- ✓ damages caused because of the breach of the Code of Conduct; and
- ✓ any other mitigating or aggravating factors which an adjudicator deems relevant.

After evaluating the matter, the Rules and Regulations Committee can make one or more of the following resolutions:

- a) The grievance is not valid.
- b) The grievance is referred to the IWH Member with a further opportunity for remedial action within a specified time frame.
- c) The IWH Member must undertake appropriate remedial action (including the provision of a refund), as specified.
- d) The IWH Member is issued with a formal reprimand or warning.
- e) The IWH Member is fined.
- f) The IWH Member must take-down content (when the grievance stems from a valid take-down notification).
- g) The IWH Member is to be suspended from IWH subject to conditions determined by the Rules and Regulations Committee.
- h) The IWH Member's membership of IWH is to be revoked.
- i) IWH should publish a report containing the identity of the IWH Member, the details of the breach of the Code of Conduct, and any action taken regarding the breach; and/or
- j) IWH is to report unlawful conduct or content to the relevant law enforcement authority.

The Rules and Regulations Committee shall deliver its resolutions together with reasons therefor in a written report, which the IWH CEO/Secretariat will forward to the complainant, the IWH Member concerned, the IWH NEC and the IWH regulatory advisors/Constitutional Committee.



4. FUNDING

The IWH will fund the investigation from its legal fund / war chest with no initial cost to either the complainant or the defendant. Based on the outcome of the process, costs will be recovered from either the complainant (if the defendant successfully defends themselves) or from the defendant (if the defendant is found to be at fault).

5. MEMBER APPEALS PROCEDURE

The complainant or the IWH Member may lodge an appeal together with full reasons therefore with the IWH NEC within 10 working days of the distribution of the Rules and Regulations Committee resolution to the parties. A grievance can only be appealed once to the NEC. If no appeal is lodged within ten working days, then the matter will be considered closed.

If an appeal is lodged, then the IWH NEC can either reject the appeal or refer the matter for independent adjudication by the Constitutional Committee. A copy of the IWH Rules and Regulations Committee's decision and the reason for the decision will be sent to both the appellant and the respondent.

IWH Constitutional Committee can appoint a panel to hear the appeal, which will consist of 2 or more independent adjudicators.

The appeal will follow the formal resolution process set out above, but with the appeals panel fulfilling the role of the independent adjudicator.

IWH NEC is entitled to require a deposit from the appellant. The appeals panel may indicate that the respondent should bear the cost for the appeal process in their resolution.