



Individual Appeal Procedure

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In accordance with the Social Policy Protocol of the collective labour agreement, employers with a workforce of more than 250 employees must adopt a regulation providing for a comprehensive right of complaint for individual employees. This rule prompted BNG Bank to draft this Individual Appeal Procedure.

1 Purpose

The purpose of the Procedure is to contribute to good and equitable social relations within BNG Bank by giving every employee, with no adverse effect on their position or that of their confidential adviser, the right to:

- raise a complaint in the manner described in this regulation;
- be heard in relation to their complaint;
- find out the decision on the complaint within a reasonable timeframe; and
- appeal against the decision to the Executive Committee.

There are three stages to the appeal procedure, namely:

- preliminary discussions;
- first appeal (apart from appeal procedures relating to job ranking);
- final appeal.

2 Application of the regulation

The regulation applies to employees who have signed an employment agreement with BNG Bank, excluding the members of the Executive Committee and the Board members.

3 Grounds of appeal

Employees can appeal in any situation in which they believe BNG Bank has acted unreasonably in relation to individual employment conditions and/or individual working conditions, either by making a particular decision or by not making a decision that should have been made, where they believe their legitimate interests have been harmed as a result. Decisions made by BNG Bank that concern one or more groups of employees do not fall within the scope of the Individual Appeal Procedure, except for appeals relating to job ranking.

Suspensions that could potentially be followed by summary dismissal are also outside the scope of the Procedure; such cases fall within the jurisdiction of the sub-district court. An appeal under the Procedure can also not be brought with respect to decisions of which the substance stems from statutory requirements or the collective labour agreement for the banking industry, or which relate to a complaint for which a special appeal procedure, set out in a regulation, applies.

4 Preliminary discussions about the complaint

In the first stage, within four weeks after being notified of the decision, the employee will discuss the complaint with their immediate manager. The manager will in turn discuss the issue with the head of department. After the immediate manager has informed the employee of the substance of this discussion, a meeting may take place, at the option of the employee, between the employee, the immediate manager, the next most senior manager in the hierarchy and the HR Department. The employee may be supported by a confidential adviser, even at this preliminary stage of the procedure.

It is recommended that a report be drafted of each of these conversations, partly for the purposes of the later stages in the appeal procedure. If these discussions do not result in a solution acceptable to the employee, they may continue with the appeal procedure.

5 First appeal

The employee's first right of appeal is to the member of the Board or Executive Committee under whose responsibility they fall. Lodging an appeal is done by submitting a signed notice of appeal in the form of a letter, stating the reasons for the appeal. In the letter, the employee should identify the decision to which the appeal relates, or the decision that the employee believes has incorrectly not been made, and how the employee believes their interests have been harmed as a result. The employee should also state whether they are being supported by a confidential adviser, and if so who. The notice of appeal must be submitted within four weeks after the employee is notified of the decision or after it becomes apparent that a decision has not been made that should have been made. The Board member will immediately confirm receipt of the notice of appeal, in writing, to everyone who has been involved in the procedure up to that point, and to the HR Department.

The management team member will invite the employee – and their confidential adviser, if applicable – to a meeting. In addition, those who participated in the preliminary discussions, who made the decision in question or who gave advice in relation to that decision, will also be invited to be heard. The Board member may seek advice, if desired.

Within four weeks after sending the confirmation of receipt, the Board member will issue a written decision, with reasons. Any advice received will be included in the decision, along with an indication of the extent to which that advice was followed.

5.1 Appeals relating to Job Ranking

This initial appeal does not apply to procedures relating to job ranking. If the preliminary discussions do not result in a solution that is acceptable to the employee, then the employee must lodge a final appeal once these discussions have concluded.

The first appeal stage does not apply because the director is closely involved in ranking recommendations. Clause 13 provides an overview of the various stages.

6 Final appeal

Employees who object to the decision on their first appeal (or, in the case of objections relating to job ranking, the outcome of the preliminary discussions), have the option of appealing to the Executive Committee. The Executive Committee will issue a written decision on the final appeal. Lodging a final appeal is done by submitting a signed notice of appeal in the form of a letter, stating the reasons for the appeal. The employee should also attach copies of the first notice of appeal, the written decision on the first appeal and any reports from the preliminary discussions. In addition, the employee should state who will be acting as their confidential adviser, if applicable. The notice of appeal must be submitted within four weeks after receipt of the decision on the first appeal or, if the appeal relates to job ranking, after completion of the preliminary discussions.

The Executive Committee will immediately confirm receipt of the notice of appeal, in writing, to everyone involved and to the HR Department, and send all documents to the complaint advisory committee with a request for an opinion.

Within four weeks after receiving the opinion from the complaint advisory committee, the Executive Committee will issue a written decision, stating reasons, along with an indication of the extent to which the opinion of the complaint advisory committee was followed. The complaint advisory committee will receive written confirmation of the decision of the Executive Committee. If this decision deviates from the opinion of the complaint advisory committee, the committee will be given a verbal explanation of the reason for the deviation. This decision is binding, and no further appeals may be made within the organisation.

7 Complaint advisory committees

When a final appeal is lodged, a complaint advisory committee will be set up for the individual case. It will have four members, who will all be employees of the organisation. Two members will be appointed by the Executive Committee, and the other two members will be appointed by the Works Council. An alternate will be appointed for each member in a similar way. Employees who are personally involved in a complaint or who have a conflict of interest for some other reason cannot be appointed to the complaint advisory committee. The committee will select a chair from among its members.

The committee's term of office is equal to the length of the appeal procedure.

The complaint advisory committee is tasked with investigating the complaint and providing an opinion to the Executive Committee. The committee will speak with the employee, their confidential adviser (if any) and other people involved, such as the manager and HR.

The opinion must be issued within four weeks of the request from the Executive Committee.

The committee is entitled to obtain any and all information it deems necessary to prepare its opinion.

Information requested by the committee may be withheld only if providing it would violate the privacy of an employee – unless the employee does not object to being involved in the matter – or if it concerns strictly confidential business information.

Even after they have finished considering the complaint, the members of the committee have a confidentiality obligation in relation to the information provided to them.

8 The decision on appeal

If the contested decision is overturned or amended on appeal, the decision given on the appeal will replace the contested decision and, if relevant, will have retroactive effect from the date of the contested decision.

The decision on appeal will be enforced immediately.

9 Decision-making standards

When making a decision on an appeal, the decision-making person or body and the complaint advisory committee must investigate the following:

1. whether preliminary discussions have taken place;
2. whether the appeal relates to the individual position of the employee or whether it arose from a decision of a collective nature (in other words, a decision affecting one or more groups of employees).
Decisions of a collective nature fall within the scope of the Individual Appeal Procedure only if they relate to job ranking;
3. whether the appeal relates to a decision that has already been appealed by the employee under this regulation. If so, the complaint can no longer be considered;
4. whether the person or body that made the decision had the authority to do so;
5. whether the decision was reasonable; in other words, taking account of all the circumstances, whether the employee's interests were harmed unnecessarily;
6. whether the decision was prepared with meticulous care and arrived at in accordance with the usual procedures;
7. whether the decision is manifestly contrary to statutory requirements or other applicable provisions, guidelines or the Code of Conduct.

10 Alternate avenue for appeal for employees in departments that report directly to the Chair or a member of the Executive Committee

These employees lack a second and sometimes even a first avenue of appeal. To protect their legal position as much as possible, the following rule applies to them:

If the preliminary discussions do not result in a solution acceptable to the employee, the employee may request, within four weeks of the contested decision, the Executive Committee to set up a complaint advisory committee (see Clause 7 for the procedure). Also, within four weeks of the contested decision, the employee must send a signed notice of appeal to the complaint advisory committee, stating the reasons for the appeal. The committee will investigate the complaint and send an opinion to the Executive Committee within four weeks.

Within four weeks after receiving the opinion, the Executive Committee will make a binding decision. No further appeals may be made within the organisation with respect to this decision.

11 Timeline of the appeal procedure

Action	Timeframe
Contested decision	-
Preliminary discussions	Within four weeks after the contested decision
First appeal	Within four weeks after the contested decision
Confirmation of appeal to parties involved	Immediately
Decision on first appeal	Within four weeks after confirmation
Final appeal (Executive Committee)	Within four weeks after the decision on the first appeal or, if the appeal relates to job ranking, within four weeks after the decision from the preliminary discussions.
Complaint advisory committee activated	Immediately
Complaint advisory committee opinion	Within four weeks
Decision on final appeal (Executive Committee)	Within four weeks after opinion

12 Special provisions/definitions

Actie	Termijn
Confidential adviser	During the preliminary discussions, the process of lodging an appeal and the further handling of the complaint, the employee may be supported by a confidential adviser. Even after the complaint process has ended, the confidential adviser has a confidentiality obligation in relation to the information provided.
Guarantee	Special circumstances may mean that the timeframe within which the first appeal decision must be made is inadequate. If so, the timeframe may be exceeded, provided the decision is issued no more than six weeks from confirmation of receipt of the notice of appeal. In these circumstances, the employee must be notified in writing, stating reasons, within four weeks from confirmation of receipt of the notice of appeal. If an employee has allowed the timeframe for lodging an appeal to expire, the appeal cannot be considered, unless they can show that they were unable to lodge the appeal on time due to causes beyond their control.
Suspensive effect	Lodging an appeal does not suspend the effect of the contested decision. If the employee, in their notice of appeal, requests such a suspensive effect and provides clear reasons, the person or body considering the appeal may suspend the effect of the contested decision pending a decision on the appeal.
Notification of decisions	The person or body considering the appeal will send a copy of their decision to all parties involved and to the HR Department.
Reporting	Each year, the HR Department will inform the Executive Committee and the Works Council in writing of how this regulation has been used.

13 Overview of the stages of the appeals procedure

	General	Job ranking
Phase 1A	Preliminary discussions The employee and their manager (and the next most senior manager) discuss the employee's complaint, potentially after speaking with other relevant parties.	Preliminary discussions The employee and their manager (and the next most senior manager) discuss the employee's complaint, potentially after speaking with other relevant parties.
Phase 1B	First appeal The employee sends a notice of appeal to the relevant director or member of the Executive Committee. The director speaks with the employee after hearing from other relevant parties. The director issues a written decision.	
Phase 2	Final appeal The employee appeals against the decision to the Executive Committee. A complaint advisory committee is set up, hears from relevant parties and issues an opinion to the Executive Committee, which then makes a decision.	Final appeal The employee appeals against the decision to the Executive Committee. A complaint advisory committee is set up, hears from relevant parties and issues an opinion to the Executive Committee, which then makes a decision.



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