

GRIEVANCE POLICY AND PROCEDURE

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Responsible Lead:	Head of Human Resources
Responsible Sub Lead:	Director of Human Resources
Target Audience:	All Employees
Related Documents and Policies:	Investigation and Disciplinary Policy Whistleblowing Policy Appeals Policy
Policy Type:	Contractual

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1. Introduction

- 1.1 Sonic Healthcare UK encourage all employees to role model the company core values at all times when both at work and representing the company. Where an employee is concerned standards or behaviour within the organisation do not reflect the core values it may be necessary for them to raise these concerns through a formal channel.
 - 1.2 The following grievance policy outlines the escalation process all employees should use when they have a concern they wish to raise with the company. By following the process there is clear guidance outlining how to raise a concern, allowing for an open and transparent culture within Sonic Healthcare UK where issues raised are fully investigated.
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2 Purpose

- 2.1 The following policy sets out a clear pathway for employees wishing to raise a concern regarding their employment. By defining a structure Sonic Healthcare UK are able to ensure employees are listened to and know how to escalate concerns.
 - 2.2 The policy covers both the informal and formal route which should be implemented if an employee is dissatisfied with an aspect of their employment. Before moving to the formal process, the employee must raise the concern informally with their Line Manager to give the manager the opportunity to work with the employee to resolve the matter where possible.
 - 2.3 Where the informal process has been exhausted without resolution a formal process is outlined and should be instigated by the employee, where appropriate, following the informal.
 - 2.4 With regards to whistleblowing, there is a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice.
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3 Duties

3.1 Employee's Responsibilities

- Fully comply with Sonic Healthcare UK's code of conduct and always act in line with the company's core values.
- Where a grievance has been raised engage fully with the following process.
- Report any concerns within a reasonable time frame to allow for a thorough and fair investigation into the matter to take place. Where significant time has passed it may not be possible for Sonic Healthcare UK to consider the matter due to a lack of evidence available.
- Engage in proposed resolutions put in place, both during the formal and informal stages, to resolve a concern.

3.2 Line Manager's Responsibilities

- Address any concerns raised by an employee in a timely manner.
- Where appropriate, fully investigate a complaint and implement any other necessary management procedures eg. Investigation and disciplinary.
- Seek to resolve the concern at the informal stage.

3.3 Trade Union Representative's Responsibilities

- Support the employee with understanding the following policy and encourage the employee to engage fully with the process.
- Where appropriate, support the employee with structuring a written grievance, using the grievance form in Appendix 2, to ensure the points raised are clear, evidence is presented, and a desired outcome is considered.

3.4 Human Resources Department Responsibilities

- Support all parties with understanding the following process.
- Advise managers on best practise when dealing with a grievance.
- Ensure there is fairness and consistency when implementing the following policy across the business.
- Reporting of grievances to Executive team on half yearly basis.

3.5 Witness Responsibilities

- All witnesses where appropriate must provide a written statement which is dated and signed prior to the formal grievance hearing.
- If appropriate and where possible all witnesses should attend the formal grievance hearing.
- Witnesses must ensure their manager is aware that they are attending a hearing to give evidence.
- Witnesses who are not employees may submit their statements if they are unable to attend the hearing.
- All employees will have the right to attend a grievance hearing as the complainant or as a witness.

4 Definitions

4.1 Grievance

A concern or complaint an employee has regarding an aspect of their work.

4.2 Collective Grievance

When more than one employee wishes to raise the same concern the complaints will be dealt with together as a collective grievance in order to avoid repeating investigations which are already taking place.

4.3 Mediation

Mediation is process in which someone impartial supports the parties involved in the grievance in finding a solution and way forward which is acceptable to both parties. Mediation is voluntary and confidential and may be offered to those involved in the grievance process as a potential recommended outcome.

4.4 Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient. (ACAS, 2009) Bullying does not always derive from manager/staff relationships; unacceptable peer pressure can also amount to bullying.

4.5 Harassment

Harassment is the unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. (ACAS, 2009)

5 Policy Development

- 5.1 Every 2 years or in light of legislative changes or further guidance being issued and at Management or Staff Side request.
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6. Policy Principles

- 6.1 Sonic Healthcare UK will provide a fair, consistent and effective method of dealing with formal grievances and concerns raised.
- 6.2 There may be times when investigating a grievance leads to a formal disciplinary process. No formal disciplinary hearing will take place until the matter has been fully investigated and considered by Management.
- 6.3 It is in the interest of all parties to resolve any grievance(s) fairly and as quickly as possible. Employees are encouraged to raise complaint(s) as soon as possible after the incident(s) involved, and should do so within 3 (three) months of the last incident(s) or event(s) complained of. This is to ensure that employee's concerns are heard as quickly as possible, that individuals who are the subject of complaint(s) are made aware in a timely manner, and that any action taken by the employer to resolve issues falls within the scope of a 'reasonable' timescale.
- 6.4 Whilst the grievance is being investigated, Sonic Healthcare UK may explore ways to ensure staff are separated, such as a temporary change to shift patterns, working days or departments. As a last resort, suspension of an employee on full

pay (with the exception of suspensions for no right to work) for such period as is necessary may also be considered.

- 6.5 Employees will be given a minimum of 5 working days' notice of any formal meetings.
 - 6.6 The employee has the right to be represented during formal grievance procedures by a colleague or recognised Trade Union representative. It is the employee's responsibility to arrange for their colleague or recognised Trade Union representative to attend the meeting. If the chosen representative is unavailable the meeting will be rescheduled within 5 working days. If this is not possible the employee will be required to select an alternative representative as to not delay the process.
 - 6.7 If the colleague is unable to attend the formal meeting, a second meeting may be rescheduled where possible and agreed by the chair. Where the employee fails to attend formal meetings without just cause or the employee fails to attend for a second time, the meeting may go ahead in their absence and the manager will make a decision based on the evidence available at the time.
 - 6.8 Where an employee is unable to attend a formal meeting, they may wish to submit a written statement instead which must be received by the manager prior to the meeting in order to be considered.
 - 6.9 To ensure an accurate record of any formal meetings is kept, a member of the HR department will take notes of the meeting. These notes will be shared with the employee, usually within 5 working days of the meeting and the employee will have the opportunity to make any amendments they feel necessary to ensure accuracy. Please note the finalisation of these notes, may not be required to finalise a grievance outcome.
 - 6.10 An employee who wishes to take an audio recording of a formal meeting themselves, should submit their request to do so to the HR representative at least four working days prior to the meeting. Audio recordings are only permitted, if all parties consent to the recording taking place. The employee will be required to provide the HR Representative with a copy of the audio recording within five working days of the meeting.
 - 6.11 Audio or video recording should not be undertaken in secret or without the consent of all parties. An employee may be prevented from relying on that audio/video recording at any subsequent internal meetings or appeals, and possibly in any legal proceedings. Any attempt to covertly record a meeting without authorisation from all parties present may result in disciplinary action.
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7. Policy Procedure

7.1 Informal Stage

- 7.1.1 If an employee is dissatisfied with any aspect of their employment they must attempt to resolve the matter informally by discussing it with their Line Manager, where this is appropriate. If this is not possible, it is best to discuss with the manager above their Line Manager. Where there is a conflict still considered to exist, it can be first raised with HR who may appoint an appropriate manager. The employee needs to state the remedy they are seeking as an outcome.
- 7.1.2 By addressing concerns informally within the department Line Managers are able to quickly and effectively deal with any issues before they escalate.
- 7.1.3 A concern should not be raised formally without first going through the informal stage. By raising a concern informally it allows the Line Manager to work quickly and efficiently with the employee to address the concern. When bypassing the informal stage the Line Manager is not given the opportunity to seek a resolution for the employee.
- 7.1.4 Where an employee does not allow the Line Manager the opportunity to resolve the concern, or where they unreasonably refuse to partake in the Line Manager's attempts to find a resolution the grievance will be closed down at this point and will not progress to the formal stage.
- 7.1.5 We encourage all employees and line managers to discuss and seek resolutions to the issues at a local level, except when the issue is against the line manager, in which case the employee should notify the next in line manager. There may be occasions when the next in line manager decides it is in the best interests of the employee that an independent manager should resolve the informal complaint.

7.2 Grievance Categories

- 7.2.1 If following the informal stage an employee is still dissatisfied and wishes to make a formal grievance they must initially consider the category this grievance falls into. This is to support the Grievance Hearing Manager in fully understanding the nature of concern that is being raised.
- 7.2.2 Formal grievances should fall into one of the following four categories: pay, health and safety, bullying and harassment and unfair treatment. For grievances that do not fall into these categories, the concern raised would then be assessed as to whether the issue should be managed under a different process/ policy.
- 7.2.3 Grievances relating to pay – pay queries must always be escalated via your Line Manager as they are responsible for overtime payments, holiday and sickness reporting, changes in salary and leave deductions. Where a pay query cannot be resolved an individual may explore raising a grievance following the below process under the pay category.

- 7.2.4 Health and safety – Where an employee's concern is related to their work environment and the safety of themselves or colleagues within the workplace this should be raised under the health and safety category. Concerns should be raised via the Departmental Safety Officer, Line Manager and Health and Safety Admin team in an attempt to resolve the issue prior to instigating a formal process.
- 7.2.5 Bullying and harassment – In situations where the grievance being raised falls into the bullying and harassment category the employee will be required to provide evidence to demonstrate that bullying and harassing behavior has taken place. It is important to distinguish between disagreements and behaviour considered to be bully or harassment. There may be occasions where employees do not agree or would not engage outside of a professional setting, however all parties are expected to act professionally with each other in the workplace. Failure to act professionally should be managed by the Line Manager in line with Sonic Healthcare UK's Investigation and Disciplinary process, but would usually not constitute as a bullying and harassment grievance.
- 7.2.6 Unfair Treatment – Where a colleague feels they have been treated in a disproportionately disadvantageous way compared to others. This may be in relation to a current colleague or a former colleague and may or may not be linked to protected characteristic (as defined within the Equalities Act 2010). When submitting a grievance due to unfair treatment the employee will be expected to demonstrate and evidence why they perceive the concerned actions or behavior as unfair when compared against perceived fair treatment.
- 7.2.7 Failure to disclose which category the grievance falls into, and provide sufficient evidence to demonstrate this may result in the company being unable to proceed with a formal investigation into the grievance due to lack of information available.
- 7.2.8 Where an employee is raising multiple or repeat grievances which do not meet the criteria required to proceed with the process, please refer to section 7.7.

7.3 Formal Stage

- 7.3.1 If following the informal stage an employee is still dissatisfied and wishes to make a formal grievance they must complete a Formal Grievance Form and submit it to the Line Manager within 10 working days of the informal stage concluding. A copy of this form can be found in Appendix 2.
- 7.3.2 If the grievance concerns the Line Manager, it should be raised with the Line Manager's own manager who will need to make the decision whether they can objectively investigate the grievance. If this is not possible the Line Manager's manager should appoint an alternate Grievance Hearing Manager.
- 7.3.3 Setting out a grievance in writing is not easy and therefore, if necessary, the employee is advised to seek assistance from a trade union representative or a colleague. The company may be able to assist employees how to formulate a

written grievance if they are unable to do so themselves because of a protected characteristic. The Formal Grievance Form should outline as much detail as possible and a desired outcome in order to support the Grievance Hearing Manager in understanding potential resolutions.

- 7.3.4 The manager receiving the grievance (Grievance Hearing Manager) will arrange a meeting as soon as possible, and usually to be held no later than 15 working days from date of submission of the Formal Grievance Form.
- 7.3.5 When inviting an employee to a Grievance Hearing meeting the manager must invite them via letter giving 5 days' notice. A letter template can be found in Appendix 3 and must outline details of the meeting along with the employee's right to be represented (See Section 6).
- 7.3.6 Where appropriate and available, all relevant documentation will be sent to all relevant parties no later than 5 working days before the scheduled grievance hearing
- 7.3.7 The HR department will support the Grievance Hearing manager throughout this process. The role of HR is to advise on policy and procedure, not decision making.
- 7.3.8 During the meeting, the employee will have the opportunity to explain the nature of their grievance as well as a desired solution.
- 7.3.9 A formal response will be sent to the employee following investigation of the matter. Depending on the nature of the grievance there may be extensive investigation which needs to be undertaken which may cause delay in the outcome being issued. Sonic Healthcare UK will always attempt to investigate matters in a timely manner whilst balancing the need for a thorough investigation. The Hearing Manager will make one of three decisions:
 - To uphold the grievance in full
 - To uphold the grievance in part
 - Not to uphold the grievanceIn addition the Chair is entitled to make recommendations.
- 7.3.10 The time-scale to provide an outcome will depend upon the nature and complexity of the investigation required, but should normally aim to be completed within 4 weeks from commencement. If the investigation time-scale needs to be extended, it is good practice to notify the employee in writing.
- 7.3.11 Where, out of the grievance procedure it is decided to initiate a disciplinary process against the party complained about, in such cases the process will not be discussed with any other parties involved in the grievance including the employee who initially raised the concern.

7.4 Appeals

- 7.4.1 An employee has the right of appeal against the outcome of the formal grievance hearing. All appeals will be managed in line with the Sonic Healthcare UK's Appeals Policy.

7.5 Grievance within an ongoing process

- 7.5.1 There may be occasions in which an employee raises a grievance whilst participating in an ongoing process (eg. Investigation & Disciplinary, Managing Capability, Sickness Absence Management). Where an employee raises a grievance during an ongoing formal process, the manager responsible will need to make a judgement about the best way to handle the two issues.
- 7.5.2 Both the ongoing process and grievance should be dealt with promptly and without unreasonable delay.
- 7.5.3 Any procedural concerns regarding the ongoing formal process should be raised by the employee as part of their formal meeting and not by way of a grievance.
- 7.5.4 Where the grievance and ongoing process are unrelated it is appropriate to deal with both issues concurrently in order to avoid delay. Where a complaint is unrelated there should be no need to postpone any formal meetings if they would not be affected by the unrelated grievance.
- 7.5.5 If the grievance and ongoing process are related, there may be occasions in which the ongoing process is paused awaiting the grievance outcome. Once the grievance has been considered the original process will resume at the same point as it was suspended.
- 7.5.6 Where a grievance is raised concerning a matter that has been made, considered and rejected in the course of a disciplinary process Sonic Healthcare UK may refuse to allow the matter to be considered further under a formal grievance procedure.
- 7.5.7 If employment with Sonic Healthcare UK has ended, there is no right for formal grievances to be raised under the grievance procedure.

7.6 Grievances Already Raised

- 7.6.1 If the employee's grievance appears to restate a complaint that Sonic Healthcare UK is already dealing with, or that it has dealt with in the past, the employee will be asked to explain how the new grievance differs from the previous one, and what new incident or evidence has come to light.
- 7.6.2 In the event that Sonic Healthcare UK establish that the grievance has in fact already been addressed, the company may reject the grievance without a hearing, unless the employee is able to present new evidence

- 7.6.3 In rejecting the grievance without a hearing, the Line Manager will write to the employee and explain that no further action will be taken because the grievance has already been dealt with. It may be appropriate at this stage to refer the employee to the previous correspondence and the outcome of the original grievance. The employee should be informed that the matter will only be considered again if new incidents occur, or if new facts and information come to light.
- 7.6.4 The decision to reopen a previous grievance and hold a fresh hearing is based upon whether the new evidence sheds additional light on the allegations originally made by the employee.

7.7 Raising Malicious, False Accusations or Serial Grievances

- 7.7.1 In the event where it is found that an employee is raising multiple grievances without just cause or relevant evidence, or following investigation are found to have been raised in bad faith or malicious intent, the Investigation and Disciplinary policy may be applied to the individual raising the concern. This is in order to protect colleagues affected by repeated, unfounded or malicious grievances and company resources.

7.8 Collective Grievances

- 7.8.1 Where this procedure applies the staff group must nominate agreed individual(s) from their group to represent them at any stage of the procedure. These nominated individuals should be one or more of the employees involved in the grievance and their role will be to present the collective views of the group. This may be in addition to any accredited trade union representative(s) they may choose to represent them. Additionally, where collective grievances are raised, these can also be raised via the dispute resolution procedure.

7.9 Assistance with raising a grievance

- 7.9.1 Under the Equality Act 2010 employers are required to make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a protected characteristic. Employees requiring assistance to raise a grievance should contact Human Resources in the first instance.

Approval and Ratification

Name of Document: Sonic Healthcare UK Grievance Policy

This policy was agreed between Management and Staff Side at the Partnership Group Meeting in March 2021

Name of Management Chair:

Matt Gibbins

Signature:  _____
Matt Gibbins (Dec 16, 2021, 9:35am)

Date: 16 Dec 2021

Name of Staff Side Chair ratifying this document:

Mandy McMullins

Signature:  _____
Mandy McMullins (Dec 16, 2021, 3:15pm)

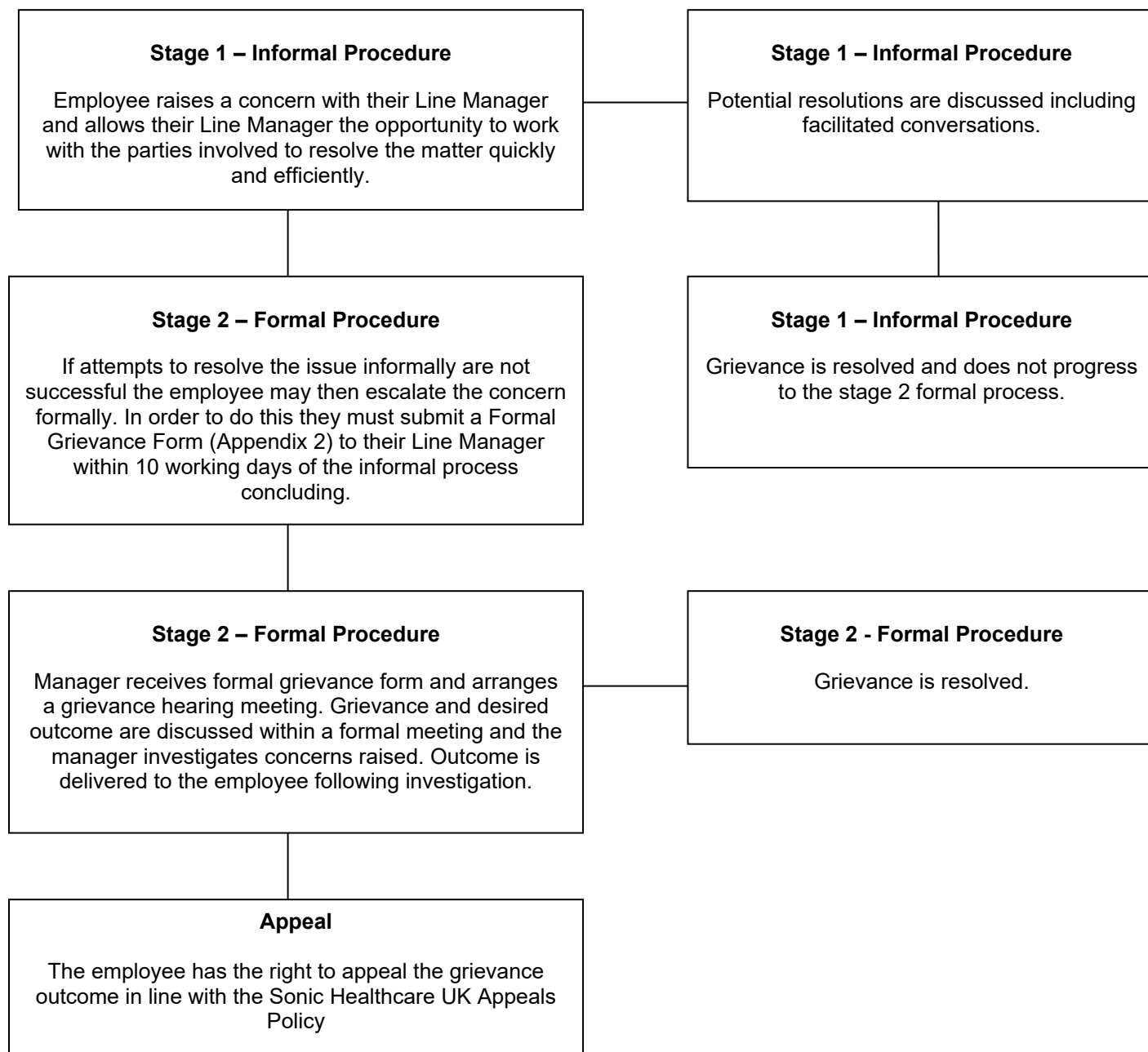
Date: 16 Dec 2021

Date of Next Review: March 2023

Appendices

Appendix	Title
1	Grievance Process Flow Chart
2	Formal Grievance Form
3	Invite to Grievance Hearing
4	Examples of Bullying & Harassment behaviour

Appendix 1: Grievance Process Flow Chart



Appendix 2: Formal Grievance Form

The following form is to be submitted to your Line Manager in order to raise a formal grievance. Before completing the form please ensure you have attempted to resolve the concern informally through your manager. If you have not yet explored the informal stage of the Sonic Healthcare UK Grievance Policy please refer to section 7.1 for guidance.

Name:

Department:

Contact email address:

Please select the grievance category your grievance falls under (Please refer to section 7.2 of the Sonic Healthcare UK Grievance Policy for further guidance):

Please give a brief summary of the resolution reached at the informal stage and why this is not deemed to have been successful in resolving concerns:

Please provide a summary of your grievance along with any evidence you wish to submit: (Please continue on separate sheet if needed)

Please outline the resolution you are seeking:

Signature:

Date:

Appendix 3: Invite to Grievance Hearing

Sent via email / hand delivered / post

Address

Date

Dear XXX,

RE: INVITE TO GRIEVANCE HEARING

I write further to the receipt of your formal grievance form dated XXX, in which you raise a grievance that the Company would like to discuss.

In light of the above, I am confident you have attempted to resolve the grievance informally without success and would therefore like to invite you to a formal grievance hearing in relation to the concerns you raised.

The hearing will be held at location on date at time. Manager name will chair the grievance hearing and XXX, HR Advisor will be in attendance to take notes of the hearing and advice on policy and procedure where necessary.

During the meeting we will discuss the grievance you have raised and any potential resolutions you seek. You have raised the grievance under the pay / health and safety / bullying and harassment / discrimination category. Ahead of the grievance hearing I ask that you review section 7.2 of the Sonic Healthcare UK Grievance Policy to ensure this is still the most relevant category relating to your concern and the evidence you are providing as this will assist me in a better understanding of the nature of your grievance.

You are entitled to be accompanied by a work colleague or Trades Union representative. If you wish to do so, you must inform me in advance who you intend to accompany you by date before meeting. Please note, it is your responsibility to make arrangements for your representative to attend.

Due to the confidential nature of the investigation, you are advised not to discuss matters linked to this investigation with colleagues unless they are supporting or representing you as a Trade Union representative.

I understand that this may be a stressful time for you should you require additional support you are encouraged to contact Employee Assistance program at no cost to you, I have enclosed the details with this letter.

If you have any questions in the meantime prior to the meeting, please do not hesitate to contact me on XXX

Yours sincerely

Name
Title

Appendix 4 - Examples of Bullying and Harassing behaviour

BULLYING

The following lists examples and is not intended to be an exhaustive list:

Physical Conduct

- Intimidatory, threatening behaviour, shouting, uncontrolled anger, abuse
- Jostling or assault, or other non-accidental physical contact, e.g., slamming a door in one's face.

Verbal Conduct

- Destructive criticism, sarcasm, refusal of reasonable requests.
- Shouting at a colleague or patient
- Criticising a colleague's performance in front of others.
- Spreading malicious rumours or making malicious allegations, including unwarranted allegations of harassment, made with malicious intent or in bad faith.
- Excluding others by talking solely to third parties to isolate another.
- Open hostility to a colleague, patient or employee.

Non-verbal Conduct

- Exclusion from work information, taking credit for ideas
- Persistent negative attacks on a colleague's personal or professional performance.
- Undervaluing a colleague's contribution.
- Persistently setting unreasonable and unachievable deadlines or moving the objectives set
- Placing unreasonable demands on a colleague.
- Removing and replacing areas of responsibility with tasks of a lower status or menial or trivial tasks.
- Over-monitoring a colleague's performance.

Cyber-Bullying

- Cyber-bullying is recognised as a method of bullying. Cyber-bullying includes the use of information and communication technologies to support deliberate, repeated, and hostile behaviour by an individual or group, that is intended to harm others. Resources include the Internet, mobile phones or other devices.

HARASSMENT

The following list detail examples but is not intended to be exhaustive:

- Derogatory nicknames or racial name calling
- Conduct that denigrates or ridicules a colleague, such as derogatory remarks, graffiti, jokes etc
- The display or sending of offensive letters or publications, racist graffiti or threatening behaviour.
- Being ignored from conversation.
- Open hostility to colleagues/ employees from a particular group.
- Undermining, ignoring or dismissing the quality of a colleague's work specifically because of their sex/ religious belief etc.

SEXUAL HARASSMENT

The following lists detail examples but are not intended to be exhaustive:

- Unwanted, non-accidental physical contact ranging from unnecessary touching (e.g., patting, pinching or brushing against a colleague's or employee's body to assault and coerce sexual relations).
- Lewd comments, leering, whistling, or making sexually-suggestive comments or gestures/ innuendos.
- Suggestions that sexual favours may further a colleague's career, or that refusal may hinder it (e.g., promotions, access to training etc).
- The display of pornographic or sexually suggestive pictures, objects or written materials.
- Unwelcome sexual advances and/ or flirting, propositions or pressure for sexual activity; continued suggestions for social activity outside of the workplace, after it has been made clear that such suggestions are unwelcome.
- Conduct that denigrates or ridicules an employee because of his or her sex, such as degrading abuse or insults which are gender-related.
- The undermining of a colleague's work specifically because of their gender; or ignoring or dismissing the quality of a colleague's work, contribution or experience because of their gender.



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