

# Guide for Resolving Employee Disagreements in North America

## Introduction

The Johnson & Johnson Family of Companies has exceptionally productive and creative workforces. Our employees are our most valuable asset and have helped establish the Johnson & Johnson Family of Companies as a leader in the health care field.

In any company, there are occasions when differences arise on matters relating to an individual's employment. Employees should not have to face these issues alone. The Johnson & Johnson Family of Companies offers employees innovative internal procedures for resolving employee relations concerns fairly, quickly and as amicably as possible. We refer to this program for resolving issues as "Common Ground." Common Ground offers employees three comprehensive steps for resolving issues or disagreements. These are: Open Door, Facilitation and Mediation.

## Open Door

The employee is encouraged to resolve the problem whenever possible by engaging in discussions directly with his or her supervisor, or the supervisor's supervisor. The employee may also discuss the matter with Human Resources professionals at his or her operating company, by contacting them via Global Services. Human Resources will promote open dialogue, make every effort to maintain a confidential environment when an investigation is necessary, will review the issues, and work with both parties to resolve them amicably and fairly.

## Facilitation

If the issue is not resolved, facilitation is the next step. The facilitator works to open up lines of communication and identify creative solutions.

## Mediation

The third step toward resolving the issue is Mediation, which is an informal dispute resolution process conducted by a neutral third party, the mediator.

The mediator helps open up the lines of communication and assists the parties in attempting to reach a mutual and voluntary resolution of their dispute by identifying the issues, the strengths and weaknesses of their respective positions, and exploring possible bases for agreement. Mediation is a fair, straightforward and cost-effective method for examining and resolving disputes, offering many advantages for all involved parties. Mediation is non-binding. If the mediation is not successful, the issue can be brought to court. Most types of issues may be raised in Open Door and Facilitation. Only claims that could be asserted in court are referred to Mediation if not resolved in the earlier steps. Because Mediation has proven highly successful in the majority of cases, it is generally the dispute resolution process of choice. It offers the following advantages.

- Provides the opportunity for both sides to explain their positions.
- Gives both sides the benefit of a neutral, third-party perspective.
- Helps separate emotional issues from factual issues.
- Promotes discussion of fair, creative solutions.
- Helps people work problems out themselves.
- Is relatively quick.

### **Your Rights Under Common Ground**

Participating in this program does not prevent you from filing a claim with a federal or state administrative agency or from cooperating with a state or federal agency investigation. Nor does this program prevent you from filing a lawsuit. However, if you file a charge or lawsuit with the Equal Employment Opportunity Commission, other agency, or court prior to exhausting the Common Ground steps, the company may advise the agency or court of this program and request that the agency or court stay or dismiss the matter until the program's procedures have been exhausted.

### **Impact of Common Ground on Employment**

The program does not establish any terms of employment. It provides a procedure for attempting to resolve employment-related disputes. It does not create a contract of employment, express or implied, for any period of time or guarantee that employment will end only under certain conditions. The program does not alter or modify the "at will" employment relationship between an employee and the operating company at which he or she is employed. By participating in the Common Ground program, an employee will not lose or compromise any substantive rights he or she has. The program will not impair the right of the operating company to make decisions regarding an employee's compensation, benefits or continued employment.

### **Common Ground Program Effective Date**

The program is the exclusive means for attempting to resolve employment disputes between employees and their operating company, including disputes for legally protected rights such as freedom from unlawful discrimination, retaliation, or harassment. If an employee accepts or continues employment with his or her operating company after the program went into effect, he or she agrees to process all employment-related legal claims against the company through this program.

### **Change or Revocation**

The Common Ground program may be changed or discontinued at any time. Any claim submitted to Mediation under the program before the effective date of any modification or discontinuance of the program shall continue to be resolved through the program as it existed.

*Last Updated: June 2020*