GRIEVANCE POLICY

# Introduction

## Purpose

[Insert entity name, ACN and ABN] (**us, our, we**) has various policies and procedures for the effective and safe operation of our business and the welfare of all our workers including all employees, work experience students, volunteers, contractors, subcontractors or agents unless expressly stated otherwise (**worker, you, your**).

The purpose of this policy is to outline our complaint process.

## Access

You can access this policy [Insert location e.g., on our intranet].

## Application

This policy applies to all workers and covers all work-related activities and conduct which is related to or connected with work.

## Effect

This policy does not form any part of your contract of employment or engagement. However, you have a duty to comply with the obligations and expectations set out in this policy as a reasonable and lawful direction.

## Variations

We may terminate, replace or vary this policy or introduce new policies and procedures from time to time at our sole discretion.

## Breaches and Disciplinary Action

You are required to comply with this policy (as amended from time to time). You must also report any suspected breaches of this policy to your manager.

If you breach the policy, you may be subject to disciplinary action which may involve:

* counselling;
* warning;
* demotion;
* transfer to alternative duties;
* suspension; and/or
* termination of employment/engagement.

Serious breaches of this policy may result in instant termination.

Agents and contractors may also be subject to disciplinary action or have their contracts with us terminated or alternatively, not renewed.

We may take a range of non-disciplinary outcomes to resolve a breach, depending on the particular circumstances. Examples include, but are not limited to:

* training to assist in addressing the problem(s) underpinning the breach;
* monitoring to ensure that there are no further problems;
* implementing a new policy;
* requiring an apology or an undertaking that certain behaviour stop; and/ or
* changing work arrangements.

## References

This policy should be read in conjunction with our other policies and procedures, the applicable Modern Award(s) (as defined in the Fair Work Act 2009 (Cth)) and Australian laws. To the extent of any inconsistency, the applicable Modern Award(s) and applicable laws will prevail.

## Questions

If you are unsure about any matter in this policy, you should seek clarification from your immediate manager.

## History/Version

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| **Implementation/Review Date** | **Description** | **Sections Affected** | **Revised By** | **Approved By** |
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# Grievance Policy

We support the right of every worker to lodge a grievance with their manager if they believe that a decision, behaviour or action affecting their employment/engagement is unfair.

We aim to resolve problems and grievances promptly and as close to the source as possible.

Managers will do their utmost to action grievances objectively, discreetly, and promptly. Be aware that grievances that are not made in good faith (i.e. vexatious, false or misleading) may result in disciplinary action.

## Grievance Defined

If workers experience or witness any form of discrimination, harassment (including sexual harassment), bullying, victimisation or vilification, they should lodge a grievance. A grievance is any type of problem, concern or complaint workers may have about work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting on a worker, that they think is unfair, unjustified, unlawful or in breach of our policies.

All persons involved in the resolution of a grievance have an obligation to keep the complaint confidential. If a person breaches confidentiality, they may be subject to disciplinary actions.

## Grievance Procedure

If a worker feels they have been subjected to any form of unlawful conduct, contrary to law or our policies, the procedure in this policy should be exhausted before a worker makes a complaint to an external agency.

**Step 1: Resolve Directly**

If the worker feels comfortable doing so, they may address the issue with the person concerned directly in a reasonable and respectful manner. This is not a compulsory step.

Keep a written record of each incident.

**Step 2: Report to Manager**

If the worker doesn’t feel comfortable confronting the person directly or has not settled the grievance in step 1, they can report the matter to their manager so that they can commence an informal or formal resolution procedure depending on the circumstances.

**Step 3: Determine Procedure**

The following steps will depend on the nature of the grievance, the circumstances and the need to maintain flexibility to resolve complaints.

The manager will discuss the complaint with the worker and explain the options for addressing the grievance.

The manager will determine, after consulting with the worker, the best way to deal with the grievance. There are two types of grievance procedures that can be used: informal and formal. The type of grievance resolution procedure used will depend on the individual circumstances.

**Step 4: Informal Procedure (If Applicable)**

Under the informal grievance procedure, there is a broad range of options for addressing the grievance.

Informal resolution might involve discussions or written communication between the people involved to see if the issues can be resolved between them, in a way that is also acceptable to us. Informal resolution may involve the manager discussing the issue with the person against whom the grievance is made and/or facilitating a meeting between the parties in an attempt to resolve the issue via mediation or other means to move forward.

An informal resolution does not involve us conducting any investigation, making any formal decision about what has happened, or what the outcome should be.

Every possible effort should be made to settle a grievance before the formal grievance process starts. If the matter can’t be resolved, the process continues and becomes formal.

**Step 5: Formal Procedure (If Applicable)**

The formal grievance procedure generally involves us investigating the alleged conduct, making a formal decision about what has happened, and deciding what the outcome (including disciplinary action) should be for those involved. Formal investigations may be conducted by an internal delegate, or an external investigator appointed by us.

If a grievance involves allegations that may result in disciplinary action, it will generally be dealt with in accordance with the formal grievance procedure. The formal grievance procedure may also be conducted where you specifically request it or where the informal grievance procedure was not effective.

An investigation involves collecting information about the grievance and then making a finding based on the available information as to whether the alleged conduct occurred. Once a finding is made, we will consider any outcomes arising from the investigation.

If we consider it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during an investigation. We may also provide alternative duties or work during an investigation. Workers will generally be paid their normal pay during this time.

An investigation will generally involve a combination of the following steps, depending on the circumstances:

* interviewing the person who made the complaint;
* interviewing the person against whom the grievance is brought;
* collecting other relevant information including interviewing witnesses; and
* determining whether or not there is sufficient evidence based on the balance of probabilities to substantiate the complaint.

## Confidentiality

The manager will maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to be fair to someone against whom a complaint has been made and/or to resolve the grievance. If it appears that unlawful conduct may have occurred, we will need to take appropriate action.

All workers involved in the grievance, including the worker making the grievance, must also maintain confidentiality.

A worker may discuss the grievance with a designated support person or representative, however, the support person or representative must also maintain confidentiality.

Workers should be aware that we will keep a confidential record of all grievances.

## Timeframe

Given the varying nature of grievances and the need to maintain flexibility, there is no set timeframe for the grievance process. However, all grievances should be managed promptly. The relevant manager should commence dealing with the grievance as soon as possible after it has been reported.

## Possible Outcomes

If an investigation results in a finding that a worker has engaged in unlawful conduct or breached our policies or procedures, that worker may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant circumstances.

If the complaint was malicious or otherwise not made in good faith (i.e. it was vexatious, false or misleading), the complainant may face disciplinary action.

We may take a range of other non-disciplinary outcomes to resolve a grievance, depending on the circumstances.

## Other Options

If any of the parties are not satisfied with the way the grievance was handled or the outcome of the complaint process, they can contact senior management.

Our goal is to resolve issues in-house wherever possible. However, workers can seek the assistance of an external agency if they feel that their grievance has not been adequately addressed.

## Victimisation

In broad terms, victimisation occurs when a person (includes a complainant or witness) is, or is threatened to be, treated less favourably or detrimentally because of an allegation or complaint. For instance, it is unlawful to victimise a person as a result of a discrimination allegation or complaint.

We will not tolerate or accept victimisation, or any form of retaliation as a result of a person making a complaint in good faith.

## Support

Any worker involved in a personal grievance can seek advice from a representative at any stage during the grievance process. A worker can also bring a support person to any meeting relating to the grievance.

## Worker Acknowledgement

I acknowledge that:

1. I have received and read this policy;
2. I understand my obligations and will comply with the policy;
3. there may be disciplinary consequences if I fail to comply with the policy, which may result in the termination of my employment/engagement; and
4. I will contact my manager if I require clarification on, or do not comprehend, any part of the policy.

Signed .............................................................

Name .............................................................

Date ..............................................................