

<b>5.12</b>	<b>STAFF/VOLUNTEER GRIEVANCE, COMPLAINTS &amp; DISPUTES</b>
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<b>Applies to:</b> All Staff
<b>Specific responsibility:</b> HECIS Co-Ordinator

<b>Version:</b> 1
<b>Date approved:</b> 5.8.2014
<b>Next review date:</b> Aug 21

<b>Policy context:</b> This policy relates to	
Standards or other external requirements	
Legislation or other requirements	<p>Commonwealth legislation</p> <ul style="list-style-type: none"> <li>• Age Discrimination Act 2004</li> <li>• Australian Human Rights Commission Act 1986 (Cth)</li> <li>• Disability Discrimination Act 1992</li> <li>• Racial Discrimination Act 1975</li> <li>• Sex Discrimination Act 1984</li> </ul> <p>State &amp; Territories legislation</p> <ul style="list-style-type: none"> <li>• Australian Capital Territory Discrimination Act 1991 (ACT)</li> <li>• New South Wales Anti-Discrimination Act 1977 (NSW)</li> <li>• Northern Territory Anti-Discrimination Act 1996 (NT)</li> <li>• Queensland Anti-Discrimination Act 1991 (QLD) • South Australia Equal Opportunity Act 1984 (SA) • Tasmania Anti-Discrimination Act 1998 (TAS)</li> <li>• Victoria Equal Opportunity Act 1995 (VIC)</li> <li>• Western Australia Equal Opportunity Act 1984 (WA)</li> </ul> <p>Specific NSW legislation</p> <ul style="list-style-type: none"> <li>• Freedom of Information Act 1989 (Part III) • Industrial Relations Act 1991 (NSW) sections 184 and 185</li> <li>• Industrial Relations Act (Regulations) 1992</li> <li>• Occupational Health and Safety Act 2011</li> <li>• Public Sector Management Act 1988</li> <li>• Government and Related Appeals Tribunal Act 1980</li> <li>• Protected Disclosures Act 1994</li> </ul>
Contractual obligations	

## **DEFINITION**

A grievance is a complaint about any type of work-related problem that is causing distress. The grievance may arise from a decision, act or omission by any person or persons within HECIS, which is considered by the complainant to be wrong, mistaken, unjust or discriminatory.

## **POLICY STATEMENT**

HECIS fosters a productive and harmonious working environment where work related concerns or grievances are managed promptly, impartially and justly.

In the instance where a complaint or dispute does arise, we believe we have a responsibility to provide our employees and volunteers with appropriate ways to resolve such complaints and disputes and to minimise their adverse impact on everybody within the organisation. As far as possible, we also need to ensure a positive outcome.

## **PRINCIPLES**

- Grievances should be treated seriously, expeditiously, sensitively and as close as possible to their source having due regard to procedural fairness, confidentiality and potential for victimisation.
- Concerns should be raised as early as possible after the incident relating to the complaint has occurred.
- Complainants should not instigate grievances that are frivolous or malicious.
- All parties are required to participate in the grievance resolution process in good faith.
- Grievances and information arising from the handling of any grievance must be treated confidentially.
- The principles of natural justice will be observed throughout. This means that before a decision is taken about them, staff members have the right to be informed about the nature and content of the grievance, have the right to be heard by an unbiased decision maker and have the right to have a witness present.

## **PROCEDURES**

- All parties are to maintain complete confidentiality at all times.
- Employees and volunteers will be encouraged to first discuss the matter with the involved party prior to lodging a formal grievance.
- If the grievance cannot be resolved informally, the complainant should provide written details of their concerns and the grounds for the grievance, to the HECIS Co-Ordinator.
- The HECIS Co-Ordinator will initiate an informal meeting with the complainant to discuss the grievance and come to a full understanding of it. The supervisor may request further information which the complainant must provide. The complainant can have an independent witness attend any meetings.
- The HECIS Co-Ordinator will provide written acknowledgement of the grievance being lodged within 7 days of the initial meeting.
- If the matter is about another employee/volunteer, this person will also be informed, in writing, within 7 days of the grievance being lodged.
- If the matter involves the HECIS Co-Ordinator, the complainant may discuss the issue directly with the HECIS President.
- The HECIS Co-Ordinator should address the grievance with a view to resolving it within two weeks. This may take the form of the HECIS Co-Ordinator prescribing certain actions to be adopted which address the issues and find a resolution.

*HECIS: Staff/Volunteer Grievance, Complaints and Disputes*

- If the grievance is not resolved within one calendar month, a mutually selected external mediator will meet with involved parties and investigate and resolve the problem. Possible sources of external mediators include the Executive Members of the HECIS Committee, peak organisations, Relationships Australia, Equal Opportunities Commission.
- Written documents produced as part of the dispute should be held on a confidential file by the HECIS Co-Ordinator for a period of twelve (12) months and destroyed if no further conflicts arise.
- The outcomes of a formal grievance process may include (but not be limited to):
  - a verbal or written apology
  - a change in policy or procedure
  - changes in work practices
  - training of staff
  - counselling of staff
  - disciplinary action.

**DOCUMENTATION**

<b>Documents related to this policy</b>	
Related policies	
Forms, record keeping or other organisational documents	

<b>Reviewing and approving this policy</b>	
Review of policy	Annually By the HECIS Co-Ordinator
Approving policy and policy changes	Management Committee

<b>Policy review and version tracking</b>			
<b>Review</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Next Review Due</b>
1	18.8.15	HECIS Co-Ordinator	Aug 2016
2	28.7.16	HECIS CoOrdinator	Aug 2017
3	14.8.17	HECIS CoOrdinator	Aug 2018
4	3.9.18	HECIS CoOrdinator	Aug 2019
5	20.8.19	HECIS CoOrdinator	Aug 2020
6	15.9.20	HECIS CoOrdinator	Aug 2021