

COMMUNICATION / GRIEVANCE PROCEDURE

Purpose

To ensure that any employees with a grievance are free to lodge a complaint or discuss an issue in the knowledge that this will be dealt with fairly, confidentially and to the satisfaction of all parties involved.

encourages and endorses open communication. believes that we need to be solution focused and encourage employees to report any issue/grievance so that we can resolve it appropriately and move on.

Scope

This procedure applies to all employees and contractors.

Definitions

Grievance	Refers to a strong disagreement or feeling of dissatisfaction that affects work performance, motivation and communication, regarding issues related to his/her employment. Such issues may include but are not limited to interpersonal conflicts, discrimination, victimisation, workplace harassment, sexual harassment, adverse action, health and safety, or unfair treatment. They can be the result of unresolved issues, problems, or conflicts that have been avoided or not addressed to the satisfaction of those involved.
Complainant	Refers to a person who has lodged a grievance regarding issues related to his/her employment.
Frivolous complaint	Is a complaint made without reasonable cause.
Mediation	Is a means of resolving a grievance by the use of third party intervention. The parties may choose to meet with an agreed mediator to assist them to determine a mutually acceptable solution to the problem. The mediator has no power to impose a solution on the parties.
Respondent	Refers to a person against whom a grievance is made.
Vexatious complaint	Is a complaint made with the intent of causing harm, embarrassment or annoyance, without evidence of any substantive allegation.
Victimisation	Occurs when a person performs or threatens to carry out an act to the detriment of another person because that person has: Made or proposes to make a grievance; Provided or proposes to provide, documentation to assist in an investigation of a grievance; Attended or proposes to attend an investigation as a witness to an incident; Reasonably asserted his/her rights.

Principles

- The grievance procedure outlined is a general guideline
- Grievances should be resolved as soon as reasonably practicable under the circumstances. Advantages of early resolution may include reduced absenteeism, turnover and inappropriate workplace conduct, as well as a more productive and confident workplace
- Both the complainant and respondent must be treated fairly throughout the process and have the right to contact a support person when responding to formal allegations
- The principles of natural justice and procedural fairness must be followed

These include:

- Informing a person of any allegation(s) made against them
 - Giving them the opportunity to provide a response
 - Investigating all allegations within a reasonable timeframe
 - Ensuring that all parties to a decision are heard and facts considered
 - Decision makers acting fairly, without bias and in a timely manner
 - Grievances must be treated confidentially and sensitively by all parties involved. Any breach of confidentiality will be treated seriously and disciplinary action may occur
 - Grievances must be made in good faith. Disciplinary action may be taken against any employee found to have made a frivolous or vexatious complaint
 - Normal work should continue during the grievance procedure, except where the employee has reasonable concerns about risks to his/her health and safety
 - Victimisation is not tolerated at and is against the law
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Procedure

The following is the general resolution process for grievances. Depending on the circumstances, it may not be reasonable or practical for the complainant to follow each step in the process.

Step 1 - Seek resolution

If a grievance is concerning:

- *Another individual*, the aggrieved person should speak to the other party in an attempt to reach a quick and satisfactory resolution of the problem
- *A work related matter*, such as unclear job expectations, unsure of communication/reporting channels, objectives or how to do your job effectively. Seek direction from your manager

Note: Depending on the grievance, the complainant may not feel comfortable undertaking this step.

If this step does not resolve the issue or the issue continues, proceed to Step 2 - Communicate Issue.

Step 2 - Communicate Issue to Management

- The grievance should be directed to the relevant manager or HR. When raising a complaint, an employee should:
 - Clearly define their concerns and desired outcome
 - Acknowledge the consequences of making a frivolous or vexatious complaint
- If an employee makes a complaint, they may be required to provide a written statement to ensure that all parties understand the content of the complaint
- Management will endeavour to ensure a confidential and fair process to gain a resolution
- If concerning another individual, the respondent will then be made aware of the complaint and will be advised of their rights in accordance with procedural fairness. The complainant and respondent will be kept informed of any outcomes during the investigation. They will also be reminded of the need to keep this issue confidential to avoid further grievance
- An investigation may pursue, which will be documented and details will be kept confidential where appropriate involvement of HR at this point is necessary (if not previously involved)
- A decision as to the best course of action to ensure a resolution will be made, such as mediation, disciplinary action, restructuring etc. Refer to Resolving Dispute Procedure ([PRO10](#))

If the issue is not resolved at this stage, proceed to step 3.

Step 3 - Escalate Issue to Senior Management

- If the Senior Management or HR has not previously been involved and the matter has already been investigated, they may request a copy of the initial investigation file/ report
- If necessary, senior management may then review the investigation and/or re-investigate to determine the appropriate outcome and as required seek further HR/IR advice from the relevant professionals
- Senior Management will then attempt to immediately resolve the issue at this point in a confidential and professional manner

Step 4 - External Body

If the complainant is not satisfied with the handling of a complaint or the investigation findings they can refer their complaint to an external body (e.g. Anti Discrimination Commission (HREOC) or Fair Work Australia).

Documentation

File Note	FOR13
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