

Grievance and Dispute Resolution Policy

1. Purpose

Inala Community House (ICH) is committed to promoting a healthy and productive work environment. Open communication and feedback are regarded as essential elements of a satisfying and productive work environment.

Workers and managers alike are expected to take personal responsibility by contributing positively to all interactions with others, upholding the ICH Code of Conduct, working within ICH policies and procedures, and using professional behaviour expected of a reasonable person.

Workers are encouraged to proactively manage legitimate concerns, issues or complaints at the earliest opportunity regardless of their nature or severity, in accordance with this policy. The preferred grievance process involves workers resolving issues to their satisfaction internally.

Grievances will be handled in a fair and timely manner which upholds the principles of procedural fairness. All grievances will be managed in a way which upholds each individual's human and legal rights (in accordance with the ICH *Human Rights Policy*).

2. Scope

This policy applies to all employees, Board members, volunteers, students, trainees and contractors. For the purposes of this policy, these persons shall be referred to as workers.

3. Definitions

Grievance: a term used to describe internal complaints, something believed to be unfair, wrong or a cause of distress, from persons engaged by ICH.

4. Policy

ICH recognises that disputes can arise in the workplace for a variety of reasons. Workers should feel comfortable discussing issues with their Manager or a senior worker in accordance with this policy.

ICH will have appropriate mechanisms in place to facilitate efficient and fair resolutions to workplace issues. ICH will aim to ensure that the process is handled fairly, transparently, confidentially and with regard to natural justice/procedural fairness principles.

Principles underpinning this policy are:

- Ensuring adherence to social justice principles and the principles of procedural fairness.
- All parties should be informed, listened to and allowed the right of reply.
- All workers have a right to be heard and have their grievances dealt with in a timely manner
- All workers have a right to report grievances without fear of retribution

4.1 Lodging a Grievance

ICH encourages workers to resolve any issues or concerns they may have at the earliest opportunity with each other first, or if failing that, advise their Manager or senior worker who can provide support to resolve the issues or concerns.

If a worker wishes to lodge a formal grievance, they should do so using the ICH *Grievance Form*. In the first instance, a worker should report a formal grievance to their Manager or senior worker. Alternatively, a grievance can also be reported to the Chief Executive Officer or to HR. If a grievance is not lodged in writing, the person receiving the grievance shall request that the appropriate Form is completed. Grievances may also be referred to appropriate external bodies.

The Board of Directors will always be involved if industrial action is initiated or if the grievance is with the Chief Executive Officer. Grievances against the Chief Executive Officer should be reported to the Secretary of the Board.

4.2 Grievance Handling

All grievances are regarded as serious. ICH has grievance handling procedures which seek to ensure that any grievances lodged are dealt with confidentially between the parties concerned, fairly, transparently and in a way which seeks to resolve the issue/s.

ICH will aim to resolve grievances within 20 business days however this may vary depending upon the circumstances (e.g. if it requires investigation).

In some situations it may be appropriate to consider early resolution of a grievance without undertaking an assessment of its merit. This approach may be useful where:

- The person lodging the grievance indicates a desire to sit down and discuss the matter informally and this seems appropriate in the circumstances.
- The information provided in the grievance supports a view that a misunderstanding or miscommunication has given rise to the grievance.
- The behaviour identified in the grievance is not serious and does not breach ICH Code of Conduct, Policy or Procedure, or appear to be discrimination, bullying or harassment.

ICH will seek to support all parties involved in the grievance process. This may include referral to the ICH employee assistance program or other external support agency.

Grievance outcomes may include, but are not limited to:

- Changes in policies, procedures and practices
- Mediation or conciliation
- Training
- Disciplinary action
- Other actions as deemed necessary to resolve the grievance

Grievances will be handled confidentially, and the organisation will protect all those involved in the process from retribution.

Grievance processes may be handled internally or externally (e.g. an external mediator or investigator may be involved where deemed appropriate).

4.2.1 *Substantiated Grievances*

Outcomes for the respondent in a grievance may include:

- Training or one-on-one coaching
- Disciplinary counselling
- An official warning
- A requirement to provide a formal apology to the person who lodged the grievance
- Participation in mediation to restore relationships in the workplace
- Disciplinary Action (including but not limited to transfer, reassignment, suspension, probation, demotion or dismissal)

The person who lodged the grievance will be provided with general information about the outcomes of a grievance process, as this may affect their decision to pursue the matter with an external agency. The level of detail provided will be balanced against the need to respect the privacy of the respondent.

4.2.2 *Unsubstantiated Grievances*

Where outcomes of a grievance are that it is not substantiated, ICH may, as appropriate:

- Provide refresher training for all staff regarding appropriate workplace behaviour
- Re-issue policies to employees (e.g. Code of Conduct, Anti-Discrimination, Anti-Bullying or Anti-Harassment).

4.3 Appeals

If a worker is not satisfied with the response received, they may lodge an appeal. An appeal can be lodged to the supervisor of the worker who initially handled the grievance. This may be a Manager or the Chief Executive Officer. If the Chief Executive Officer handled the initial grievance, an appeal can be lodged with the Secretary of the Board. An appeal must be lodged in writing (email is sufficient). ICH will aim to provide a response within 10 business days regarding an appeal. There are also external appeal options which are available to workers, details will be provided if requested.

4.4 Documentation

Any formal grievance processes will be documented, and the worker's wishes will be taken into account in determining the appropriate actions. All records relating to the grievance shall be filed appropriately and recorded on the Grievance, Feedback and Complaint Register.

4.5 Vexatious Grievances

A vexatious grievance refers to a grievance made when the worker does not have sufficient grounds for lodging a grievance, and is seeking only to annoy, intimidate, harass, or tarnish the reputation of the accused person or the organisation. The grievance may result in disciplinary action by the organisation if a vexatious or orchestrated complaint is substantiated.

4.9 Responsibilities

Managers and Senior Workers

It is the responsibility of Managers and senior workers to ensure that:

- They have processes in place which seek to identify, prevent and address potential problems before they become formal grievances
- They are aware of and are committed to the principles of open communication and information sharing with their workers
- All decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organisation in general
- Any grievances are handled in the most appropriate manner at the earliest opportunity and in accordance with this policy and associated procedures, legislation and the Award
- All workers are treated fairly and supported during the grievance process
- Workers reporting grievances are not penalised

Workers

It is the responsibility of workers to ensure that they attempt to resolve any issues with the person directly, and if not successful, through appropriate channels at the earliest opportunity.

Any grievances which are found to be falsified may result in disciplinary action, up to and including termination.

5. Review

This policy shall be reviewed every 3 years or after a formal grievance has occurred.

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

6. Related Documents

Policies

ICH Human Rights Policy
ICH Code of Conduct Policy
ICH Confidentiality Policy
ICH Anti-Bullying Policy
ICH Anti-Discrimination Policy
ICH Anti-Sexual Harassment Policy

Procedures

ICH Grievance Procedure

Forms

ICH Grievance Form

References

Fair Work Act 2009

Social, Community, Home Care and Disability Services Industry Award 2010