
HR - Grievance Procedure

POLICY

Headway Gippsland Inc. has a process in place to ensure that when/if a staff grievance is raised, the matter will be managed fairly and transparently, and the processes outlined by Fair Work Australia will be adhered to.

PROCEDURE

This policy applies to problems and complaints regarding:

- Discrimination
- Bullying and harassment
- Sexual harassment
- Racial and religious vilification
- Victimisation

as described in the Workplace equal opportunity policy. It does not apply to problems and complaints relating to safety breaches or discipline for poor work performance.

What can you do if you are being treated unfairly?

If you believe that you have been discriminated against, bullied or harassed, sexually harassed, vilified or victimised, Headway Gippsland Inc. strongly encourages you not to ignore it. Ignoring it might be interpreted by the other person as consent or acceptance.

Do not respond to unacceptable behaviour with more unacceptable behaviour.

If you are angry and upset because of unfair treatment, Headway Gippsland Inc. encourages you to take some time to prepare for what to do next or seek help from an external advocate or your manager.

Options for resolving an issue

The following four options may be helpful to consider in trying to resolve the issue:

- Self-management – prepare and then make a calm, polite, firm request for the change you need. Indicate the effect of the behaviour or decision on you and ask for an agreement about how things need to be different in the future. Sometimes, it is helpful to record this agreement in writing.
- Informal complaint – raise your concerns with your manager.
- Formal complaint – lodge a formal written complaint with your manager
- External – call the Victorian Equal Opportunity and Human Rights Commission on 1300 292 153 or Work Safe on 1800 136 089 for information about your rights.

Possible outcomes

No matter which option you choose to try to resolve your complaint, there are a range of outcomes. For example, taking action can lead to:

- A review of a decision
- An apology for the harm or offence caused
- An agreement that unacceptable behaviour will stop or change
- Education or training for a person or group

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- An informal warning or 'quiet one-to-one chat' with someone by a manager
- Changed work practices or procedures
- New policies or a change in policies
- Reinstating a benefit (for example, sick leave or training) that was denied
- Some other form of compensation for harm or costs caused
- A formal warning or other formal discipline, such as transfer or demotion for the person who had behaved inappropriately.

If you have been treated unfairly, it will be helpful for you to consider which of these you believe will be the best solution to your problem.

Complaint process options

1. Informal complaint process

An informal complaint process is any way of solving a complaint without a formal complaint, investigation or discipline being taken against the respondent.

Suppose you do not feel confident raising or discussing inappropriate behaviour directly with the person involved. In that case, you may prefer to raise the matter with another person in the workplace first, such as:

- Your supervisor or manager
- The other person's supervisor or manager
- Someone from the human resources department. For Headway Gippsland, this will be either the General Manager or Operations Manager.

You may ask a colleague or contact officer to accompany you to such a meeting for support.

Non-disciplinary solutions may include organising training for a person or group, a conciliation or three-way meeting (for example, performing self-management with a witness), asking a manager to have an informal chat with someone or asking for a decision to be reviewed by someone else.

Informal complaint resolution focuses on solving the problem rather than proving that something inappropriate actually happened, and it means that a matter can be resolved without any formal findings of misconduct.

2. Formal complaint process

You will be asked to describe what happened and why you feel it breached the workplace equal opportunity policy. You can ask for the matter to be investigated.

Formal complaints of discrimination, bullying or harassment, sexual harassment, racial and religious vilification, or victimisation will be treated quickly, seriously and sympathetically. They will be investigated thoroughly, impartially and confidentially.

You may be interviewed, as will the person or group you have complained about. Witnesses may also be interviewed, and other evidence will be considered.

Formal complaints may be treated anonymously, but generally, the person or people complaining must know who is making the complaint. Those complained about may face discipline and have the right to know what you claim they did wrong and give their side of the story.

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The investigator of a formal complaint will produce a report that contains:

- A description of the investigation process
- A summary of your complaint
- A summary of the response from the person or group complained about
- A summary of the evidence
- A finding: yes or no, there was or was not a breach of policy
- A recommendation for action (either disciplinary or non-disciplinary).

Both the person who has complained and the person or people who complained have the right to know what the finding was.

However, the person who lodged the complaint may not be told all the details of the recommendation because the level of discipline will be confidential between the person complained about and their manager.

Both the person who has complained and the person or people who complained may challenge the fairness of either the finding or the recommendation, or both. If challenged, the complaint may:

- Be looked at again by a different investigator
- Be reviewed by more senior staff

At any stage of the complaint process, you may contact an external organisation for information or to lodge a complaint. Options include:

- Victorian Equal Opportunity and Human Rights Commission: humanrightscommission.vic.gov.au
- Fair Work Australia: fwa.gov.au
- Work Safe: worksafe.vic.gov.au
- A lawyer.

Treatment of related documents

Records will be maintained in your staff file and securely stored per our records management procedure.

Victimisation

Victimisation is subjecting or threatening someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, or helped someone else make a complaint.

Victimisation is against the law.

Employees will not be victimised because they make a complaint, or helped someone else to make a complaint.

Talk to someone at the Victorian Equal Opportunity and Human Rights Commission:

If you believe that you have been victimised, you can always talk to

Enquiry Line 1300 292 153

TTY 1300 289 621

Interpreters 1300 152 494

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Or you can obtain a complaint form at their website, complete and email to

complaints@veohrc.vic.gov.au

Grievances Involving the Chief Executive Officer

Staff must have an avenue available to them if they wish to draw attention to a serious issue involving the Chief Executive Officer or where they wish to raise a grievance arising out of the Chief Executive Officer's actions, inactions or attitudes. This avenue of complaint is not intended to provide an opportunity for staff who disagree with a decision of the Chief Executive Officer to air their view to the Board; it is for serious matters involving the Chief Executive Officer specifically.

Serious matters involving the Chief Executive Officer may include actions leading to a threat to the organisation's viability and/or reputation or could involve, for example, a concern about an inappropriate response to a service participant or their family, treatment of a staff member, financial wrongdoing, ethical breaches or conflict of interest.

Details of an issue or grievance that relates directly to the Chief Executive Officer's conduct must be put in writing by the staff member concerned and submitted to the Chairperson. The Chairperson will then inform the staff member concerned, in writing, within five working days:

- a) What is to be done to address the concerns raised; and
- b) When the staff member concerned will receive a response. In other than exceptional circumstances, this will be within 20 working days. Exceptional circumstances may relate to the Chief Executive Officer's absence because of sickness or leave, or may exist because of the nature of the matter raised.

The staff member will decide, upon receiving the Chairperson's response, whether it addresses the issues that were raised in a substantive and satisfactory manner. If the staff member decides that the issues were not addressed in a substantive and satisfactory manner, the staff member can approach the Headway Gippsland Inc. Inc. Incorporated Chairperson for further discussion.

Where the Chairperson becomes further involved, it will be normal for the matter to be referred to an independent, appropriately qualified third party or mediation service.

Any person drawing attention to a serious issue, or raising a grievance, involving the Chief Executive Officer:

1. Will be able to do so without fear of retribution. Any act that may appear to involve retribution would itself be a grievance that must be brought to the Chairperson's attention;
2. Will be assured of privacy and confidentiality. This will equally apply to the Chief Executive Officer, as appropriate, except as may be required by law;
3. Is entitled to externally sourced advocacy support at his or her own expense where a grievance is being pursued; and

Must be able to substantiate any claims that he or she makes. Claims that are frivolous or vexatious may lead to disciplinary action.