

Grievance Resolution Policy Essential Knowledge

Policy Description

This policy provides framework for addressing grievances, improving service and preventing future problems.

Who must comply?

Staff employed by Carclew on a full/part time, casual, contract, agent, unpaid and voluntary basis. (staff, Board members, artists, tutors, agents, volunteers and residents)

What do I need to know?

- Carclew proactively supports its staff and clients to ensure that it is free of bullying, harassment and intimidation. No employee, artist, volunteer or client of Carclew will be subject to discrimination, harassment or victimisation.
- If you have a grievance consult this policy and the associated procedures and forms for further information.
- All employees, participants and clients have the right to be heard fairly and unbiasedly.
- All grievances will be dealt with in strict confidentiality, and all sides will have the chance to tell their version of the incident.
- An unbiased decision; that will be based on relevant evidence, will be made by an objective decision maker.

Contact

Carclew

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Grievance Resolution Policy

1. Background

The South Australia *Public Sector Act 2009* requires organisations to adhere to the *Equal Opportunity Act 1984*. Employers must treat employees fairly, justly and reasonably; and prevent unlawful discrimination against their employees.

Carclew has a commitment to managing the business of the organisation to the highest industry standards and to provide a harmonious, impartial and safe environment for employees and participants. Carclew acknowledges that a contributing factor to the attainment of this goal is by providing an avenue for grievance resolution. This also provides the organisation with a process for continuous improvement to ensure high quality service to clients and participants.

2. Purpose

Carclew has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievance management. Carclew is committed to the maintenance of a working environment that is free from discrimination and harassment and supports emotional and mental wellbeing. The purpose of this policy is to ensure that employees and clients have access to a fair and impartial grievance resolution process.

3. Scope

This policy applies to all staff employed by Carclew on a full/part time, contract, casual, agent, unpaid and voluntary basis. All employees, artists, contractors and volunteers engaged with Carclew are covered under the *Equal Opportunity Act 1984*.

Discrimination, harassment or inappropriate behaviour will not be tolerated under any circumstances and disciplinary action will be taken against any employee, artist, contractor or volunteer who breaches this policy. Carclew encourages its employees to resolve any issues or concerns that they may have at the earliest opportunity with their supervisor/manager. Grievances can be made in writing or verbally and will be dealt with in a timely and sensitive manner. Anonymous grievances can be made; however, this can limit the ability for resolving the issue.

4. Definitions

Victimisation: to treat someone unfairly because they have acted on the rights given to them by equal opportunity law or because they have supported someone else who acted upon those rights.

Grievance: A grievance or complaint can include any type of concern or problem about your involvement in the working environment. Eg. you could have a grievance about treatment by a work colleague, supervisor/manager, participant or client; discrimination; harassment; safety in the work environment; development and training; how an issue has been handled.

Equal Opportunity: making sure employees are given a fair go while at work.

Conflict of Interest: a situation in which a person's professional decisions are influenced by the person's personal interests.

5. Policy Statement

The management of Carclew has a firm commitment to equal opportunity principles, and will ensure that no discriminatory policies, practices or procedures exist in any aspect of employment.

This policy aims to ensure that employees are treated justly and fairly by providing a straightforward process for dealing with complaints of discrimination, sexual harassment and vilification. All grievances will be handled in a confidential manner. Open communication and feedback are regarded as essential elements of a satisfying and productive work environment. It is hoped that employees and volunteers feel comfortable discussing issues with their manager or supervisor in accordance with the procedures.

Carclew is committed to the fair treatment of all through the application of the following principles:

- All staff, artist and volunteers prior to commencing employment or volunteering will be inducted accordingly.
- No employee, artist, volunteer or client of Carclew will be subject to discrimination, harassment or victimisation.
- All grievances will be dealt with in strict confidentiality. Only the people directly involved in the grievance can have access to the information disclosed and/or relevant to the complaint. However, disclosure to a third body, ie. an external advisory body may be required during the resolution process.
- All sides get the chance to tell their version of the incident. No assumptions will be made and action will not be taken until all relevant information has been considered.
- Management will take all necessary steps to ensure that no parties involved are victimised. Disciplinary action will be taken where victimisation or a repercussion is sought against any party involved in a grievance.
- Disciplinary action will be taken if it is discovered that a party used the grievance resolution process against a person and deliberately gave false or misleading information.
- Management will provide an opportunity for grievances to be resolved informally in the first instance.
- Any grievance will be dealt with as quickly as possible.

All employees, participants and clients will have the right to:

- be heard fairly;
- an unbiased decision made by an objective decision maker; and
- have the decision based on relevant evidence.

5.1 Privacy, Confidentiality and Expectations

Employees have the right to expect that their grievance will be treated with strict confidentiality. However, employees must realise that for an adequate and fair enquiry to take place, the details of their complaint will require discussions with those accused and their representatives as well as with management.

Employees involved in a grievance must not disclose the details of the grievance, the inquiry or the outcome. If an employee is found to have breached confidentiality, appropriate disciplinary action may be taken against them.

There may be a requirement to disclose information to a third party when directed by legislative regulations. For example, if the complaint involves a staff member or carer, or if the nature of the complaint is about child protection issues, a government agency may need to be informed. In other circumstances, the complaint may be held in confidence with those individuals directly involved.

All formal and informal avenues for handling of grievances will be fully documented and the employee's wishes will be taken into account in the determination of

appropriate steps and actions. No employee will be intimidated or unfairly treated if they utilise this policy to resolve an issue.

5.2 Rights and Responsibilities

The *Equal Opportunity Act 1984* stipulates the rights and responsibilities of employers and employees. All managers/supervisors have a responsibility to proactively support the workplace to ensure that it is free of bullying and intimidation, whether this is between supervisor and staff or between staff and clients/participants. All grievances will be dealt with in a sympathetic environment without victimisation.

It is the responsibility of managers/supervisors to ensure that they:

- Attempt to address potential problems before they become a formal complaint.
- Attempt to resolve concerns quickly and in the most appropriate manner.
- Treat all employees fairly and consistently and not subject them to improper or unreasonable administrative decisions.
- Treat all grievances seriously, whether they are raised informally or formally.
- Give employees the opportunity to use appropriate avenues to address grievances without fear of intimidation or victimisation.

Employees including volunteers and contractors have the right to work in an environment that is free of discrimination and harassment. Employees have the responsibility to not discriminate against or harass other people or clients, and to attempt to resolve any issues through their supervisor at the earliest opportunity.

5.3 Victimisation

Employees of Carclew will not be victimised at any time, especially not as a result of raising a genuine grievance. However, Carclew reserves the right to take action against an employee who is proven to have engaged in making false or misleading accusations.

5.4 Conflicts of Interest

It is important to be aware of conflicts of interest that may arise during a grievance. Carclew is committed to providing an impartial process and aims to resolve grievances equitably and respectfully.

5.5 Anonymous Grievance

Anonymous complaints can be made to the Grievance Officer or Chief Executive. Your identity will be kept confidential. However, this may limit the organisation's ability to resolve the issue.

5.6 Grievances with clients, stakeholders and children

Grievances between staff members and clients/stakeholders will be handled similarly to that of a complaint between staff members. The Grievance Resolution Procedure accommodates a resolution specific to any issue which involves a child.

5.7 Support

Both the person making the complaint and the person whom the complaint is about are entitled to support throughout the resolution process. The support person can be a friend, family member or other designated person. The role of the support person is to provide moral and emotional support for the person involved. The support person is bound by confidentiality and will not participate in the discussions.

5.8 Record keeping

The Grievance Officer/supervisor/manager will keep written notes on the incident, interviews with all parties and any action that is taken to resolve the grievance or if the matter was referred onto an external body for resolution. All notes taken throughout the resolution process will be kept securely by the Grievance Officer/supervisor/manager.

5.9 Evaluation

Carclew is committed to improving the quality of service to its staff and clients. As a part of this continuous improvement Carclew provides a fair and impartial evaluation process for all parties involved in a complaint or grievance.

6. **Procedures Title**

Grievance Resolution Procedure

7. **Responsibility for implementation**

- The Chief Executive will advise staff members of the new policy and procedures immediately.
- The Policy Administration Officer will advise all Carclew staff members that the Grievance Resolution Policy and Procedure will be available to view on the Carclew Server. The policy and procedure will be listed on the Carclew Policy webpage.
- The Grievance Resolution Policy and Procedure will be included in the Carclew Staff, Artist and Volunteer Induction process.

8. **Policy Status**

Created: 17 November 2010

Endorsed: 26 May 2011

Reviewed: 10 April 2013, 11 July 2014

Scheduled review date: 11 July 2016

9. **Key Stakeholders**

Carclew Board, staff and clients.

10. **Approval Body**

Carclew Strategic Team: 11 May 2011

11. **Endorsement Body**

Carclew Board: 26 May 2011

12. **Legislation**

South Australian Public Sector Act 2009

South Australian Public Sector Employees Code of Conduct March 2009

Equal Opportunity Act 1984

Work Health and Safety Act 2012

Children's Protection Act 1993

Volunteers Protection Act 2001

State Records Act 1997

13. **Related Policies / documents**

Grievance Form (formal complaints)

Code of Conduct and Duty of Care Procedure

Child Safe Environment Policy and Procedure

Commission for Public Employment Ethical Conduct Guideline 2001

14. **Date Effective**

Grievance Resolution Policy v1.1

Endorsed: 26 May 2011 Reviewed: 10 April 2013, 11 July 2014

Review Date: 11 July 2016

This Policy is effective as of 26 May 2011

15. Next Review Date

This Policy is due for review 11 July 2016

This Policy will be reviewed on a two yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

16. Policy Author

Policy Administration Officer, Carclew

17. Contact

Policy Administration Officer, Carclew

Disclaimer

This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.