

Grievance Resolution Procedure

1. Policy Title

Grievance Resolution Policy

2. Preamble

Carclew is committed to providing a fair and impartial grievance resolution process. The Grievance Resolution Policy provides a framework for addressing concerns, improving service and preventing future problems.

3. 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.

4. Process

The following procedures will assist supervisors/managers and staff if you have a grievance. Specific matters covered in these procedures are expanded in more detail, and brought into operation, by the additional information attached.

Carclew respects the urgency and sensitivity of any grievance and is committed to resolving a grievance in a timely and considered manner.

The following procedure is a step-by-step example of how grievances and complaints procedures can be facilitated by managers/supervisors.

4.1 Self Help

If you can, try to resolve the problem yourself directly with the person or people involved and inform them that you felt their behaviour, decision or action was unfair, offensive or discriminatory, and why you believe it to be so. You may find that they didn't mean to do what they did.

Parties to a grievance are encouraged to document, for their own records, the circumstances of the grievance and any resolution achieved without the involvement of a Grievance Officer or other third party. This will assist you if further action is required at a later date.

4.2 Informal

Talk to Carclew's Grievance Officer, supervisor/manager, or another manager in the organisation:

- If you are not sure how to discuss the matter directly with the person/people central to the issue, or
- If you want to talk confidentially about the problem with someone and get some more information about what you can do before you make any direct approaches.

Remember in some cases they may need to take some action to prevent the same thing occurring to others in the workplace.

It is highly likely that, resulting from the process above, you and the Grievance Officer will meet with whomever it is that you have made the complaint about to discuss the nature of the issue in a private and confidential meeting. The aim of this meeting would be to air grievances and find solutions for working together in the future.

If you feel that the issue is still unresolved....

4.3 Formal (Internal)

The grievance will need to be put in writing using the Grievance Form.

Grievances between employees can put in writing by using the Grievance Form. This form can be found on the Carclew Server at *Resources/Human Resources/Grievance Form* or downloaded from the *Carclew Policy Database*.

This form will be lodged with the Grievance Officer/supervisor/manager and the Chief Executive, or if your grievance involves the Grievance Officer or Chief Executive, to the Chair of the Carclew Board.

You will need to provide exact details of your allegations. The form requests:

- An indication of the date/s & time/s of the incident/s.
- A detailed description of the incidence/s naming whom it is that you have a grievance with, why you have a grievance, what you have done to resolve the issue prior to writing this letter, naming any possible witnesses to the behaviour in question.
- Indicate any previous action taken to resolve the problem and any action that may be being sought at the time of writing the letter.

It is likely that this will lead to a process of mediation.

The mediation must be a voluntary process and requires the commitment of both parties to participate. The mediator will be someone selected and agreed to by both parties. This person would need to be an impartial representative, either a respected person from within Carclew or an independent person from within industry networks who is agreed to by both parties.

If all parties are satisfied at the conclusion of the mediation all involved will be asked to sign a mutually agreed to 'confidentiality agreement'.

4.4 Formal (external)

If you are still unhappy, you can get further advice from any relevant external agency:

- The South Australian Equal Opportunity Commission
- Workplace Services
- Union (if you are a member)

4.5 Evaluation

A Carclew Grievance Officer will follow up with all parties to ensure a satisfactory result for all involved. The Grievance Officer will analyse any re-occurrences, frequencies and the nature of grievance and complaints.

4.6 Grievances with clients and stakeholders

Grievances and complaints received from clients and stakeholders will be handled similarly to that of a complaint between staff members. Please follow steps 4.1 - 4.4 above.

4.7 Grievance or Complaints involving children

Any grievance or complaint that is made and involves a child or young person cannot be dealt with informally. Consult with a Carclew Grievance Officer in the first instance. The Grievance Officer will escalate the complaint appropriately.

4.8 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 organisations ability to resolve the issue.

4.9 Possible Outcomes

If the grievance or complaint is well founded, possible outcomes are:

- A written apology.
- Counselling.
- An official warning.
- Changes to the person's employment duties, appropriate training and/or monitoring their behaviour.
- Disciplinary action under the *South Australian Public Sector Act 2009*.
- Referral to a relevant regulatory body or authority.

If there is not enough evidence to support the complaint, or if the evidence conflicts and the issue cannot be reconciled, possible outcomes are:

- No further action.
- Appropriate training for the people involved.
- Monitoring of behaviour of people involved.
- Changes to the person's employment duties.

If your complaint is not proven there may be no further action taken. However, if the complaint was not made in good faith, the possible outcomes for the complainant are:

- A written apology from the complainant
- Counselling
- An official warning
- Appropriate training
- Disciplinary action under the *South Australian Public Sector Act 2009*.
- Referral to a relevant regulatory body or authority.

5. 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

6. Additional Information

Grievance Form (formal complaints)

Grievance Fact Sheet

Child Safe Environment Policy and Procedure

Arts SA Protocols for Working with Children in Art

Preventing Workplace Bullying A Practical Guide for Employers and Preventing Workplace

Bullying A Practical Guide for Employees <http://www.stopbullyingsa.com.au/>