# Grievance and complaint resolution procedure

## Purpose and scope

All employees have the right to work in a safe working environment and to be treated with dignity and respect.

This procedure provides a clear and fair process for employees to raise and settle a grievance which arises against another employee or group of employees.

The purpose of this procedure is to encourage employees to:

* raise their grievance without fear of victimisation or disadvantage
* promote the timely resolution of complaints
* ensure there is a fair process in resolving complaints.

This procedure applies to everyone at [insert your business name].

## Definitions

*Grievance* – any problem, concern or complaint related to work or the work environment.

*Informal grievance* – a grievance made verbally.

*Formal grievance* – a grievance made in writing.

*Support person* – a person to assist the employee to prepare for an investigation interview and to be with them in the meetings to provide industrial advice (if attending in that capacity) and to take notes. They cannot speak on the person’s behalf.

*Procedural fairness* – lack of bias, use of evidence to support decisions, process directed by procedures, investigation appropriate to the circumstances and history.

*Natural justice* – ensuring all parties affected by a grievance have a fair hearing prior to attempting a resolution.

*Investigation process* – standardised system of enquiries designed to discover the facts of a series of events. Repeatable, consistent process.

*Complainant* – a person who makes a complaint against another party, alleging harm by that person.

*Respondent* - a person called upon to issue a response to a communication made by another, such as a complaint.

## Grievance procedure principles

**Privacy and confidentiality** – only people directly involved in the grievance, or in managing it can have access to information about the grievance. Employees involved within the grievance should not discuss the matter with any other person subject to any legal requirements for disclosure.

**Fairness** – all parties to the complaint will have the opportunity to present their side of the matter. No assumptions will be made or action taken until all relevant information has been collected and considered. All parties will have access to support if required.

**Freedom of victimisation** – all necessary steps are taken to ensure that those involved in a grievance are not victimised by anyone for coming forward with the grievance or for helping to manage it. Any victimisation will lead to disciplinary action.

**Timely** – all grievances are dealt with in a timely manner. We aim to manage all grievances within four weeks if possible, and if the process falls outside this time frame the participants will be advised of the reasoning behind this.

## Procedure

Employees have the option of raising any concern and seeking a resolution to any grievance formally or informally. It is the intent of these procedures that grievances be settled as early as possible.

### Managing an informal grievance

An employee may not wish to lodge a grievance or formal complaint personally. In such cases the employee may confidentially discuss the matter with a manager.

However if the employee’s immediate supervisor or manager is the subject of their grievance, then a neutral third party staff member will be made available as an alternative.

In accordance with the employee’s wishes or relevant legislation, the manager is obliged to take some or all of the following measures:

* discuss with the complainant the range of options and strategies for dealing with the situation. Set clear parameters and expectations of what can and cannot be achieved.
* ensure all parties are aware of the relevant policies (Bullying and Inappropriate Behaviours Policy, Code of Conduct, etc.)
* discuss the matter confidentiality with the employee/s identified as causing the concern, informing them as a means to negotiate to a solution. Remind them of the relevant clause in this policy regarding victimisation.
* review any agreed follow-up actions to establish whether the matter has been resolved, further action, training or coaching is required or formal proceedings instigated. Ensure this is also inclusive of the complainant and that confidentiality is maintained.
* strictly monitor the situation and follow up with the complainant to ensure victimisation is not occurring
* the respondent may request to have the complaint dealt with formally
* comply with our safety policy and procedures.

### Managing a formal grievance

An employee who wishes to lodge a formal complaint will need to put that complaint in writing (for example, using the Grievance and Complaint Report Form).

In making a complaint the employee should ensure that the complaint contains as much evidence and detail as possible, including dates, witnesses, location, incident description and how this made you feel.

It should be made clear to the employee wishing to make a complaint that additional information will not be sought from them so details about the allegation should be complete and accurate.

The business must:

* issue a receipt for the written complaint to the Complainant within 2 working days
* provide a letter of allegation to the Respondent within five working days containing the specifics of the complaint, the time frame for response and the relevant policy for reference.

### Investigation

The business must nominate a person to conduct the investigation (the Investigator), who must be trained in investigative processes, for example Incident Cause Analysis, the 5 Whys, or similar methodology.

* the Investigator will interview the Complainant, any witnesses, the Respondent and any other relevant parties. Note that interviews should take place in a secure and confidential environment to ensure the integrity of the investigation.
* the Investigator must review any previous file notes or complaints from all parties
* any party can have a support person attend and ensure that enough time is allowed to arrange this if required (usually 24 to 48 hours)
* the Investigator must clearly identify the issues of the complaint, the type of evidence required and then gather and document this in a systematic manner. Full notes will be required from each interview and signed by the interviewee to ensure accuracy.

The investigation process will be conducted in a fair and impartial manner and include:

* preparation and information collection
* interviewing relevant parties
* findings
* documenting a report and recommendations to resolve the matter.

### Outcome

The Investigator will provide a report and recommendations to senior management for decision making. There are three possible outcomes:

* if the complaint was substantiated, the disciplinary process or performance management process will be followed. This decision to substantiate the complaint will be shared with the Complainant but not the details of the disciplinary process.
* if the allegation is unsubstantiated the Complainant and the Respondent will be advised of the reasoning behind the decision and any expectations of future actions.
* if the complaint is found to be consciously vexatious, appropriate action will be taken against the complainant. The decision to find the complaint vexatious and any information about appropriate actions will not be shared with the Respondent.

### Issues to be considered

The business must:

* choose the appropriate person to conduct the investigation considering the skill set required
* ensure the complainant understands the process and limitations, and is aware of the relevant policies and options open to them
* check that representation or support has been offered to all parties prior to each meeting. Explain the role of a support person, being note taking and emotional support (unless they are there in a legal capacity)
* ensure there are no conflicts of interest or personal relationships between the investigator and the parties to the investigation
* take appropriate action against the complainant if the complaint is found to be consciously vexatious
* obtain background information including position descriptions, contracts of employment, previous complaints, and relevant policies
* keep records of all communication interviews and correspondence. This information must be kept confidential
* discuss providing access to an Employee Assistance Program (EAP), Peer Support Program and / or equivalent model of worker support, given the emotional toll that a matter of this type is likely to take on those involved.