

**COMPLAINTS,
GRIEVANCE &
DISPUTE
RESOLUTION
POLICY**



**Complaints, Grievance and Dispute Resolution
Policy**

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Complaints, Grievances and Dispute Resolution Policy

Primary responsibility: The Chief Executive Officer (“CEO”) manages all complaints, grievances and disputes. If the CEO is the subject of the complaint/grievance/dispute then the Chair of the Governance Committee (“Chair of the GC”) will manage the complaint, grievance, or dispute.

1. Purpose

- 1.1. Carrie’s Place is committed to the efficient and effective management of workplace grievances and disputes. This Policy reinforces the Organisation’s commitment to ensuring a safe, happy and harmonious work environment where grievances are handled in a timely and sensitive manner.
- 1.2. This Policy is provided as guidance to workers, to outline the process for addressing any concerns raised by a worker, and to assist in resolving any grievances or disputes affecting workers.

2. Scope

- 2.1. This Policy applies to all employees of Carrie’s Place and all persons performing work at the direction of Carrie’s Place [**workers**].
- 2.2. Carrie’s Place Inc will be collectively referred to as [**Carrie’s Place**], or [**Organisation**].
- 2.3. This Policy applies at all Carrie’s Place workplaces and other places where a worker may be working or representing Carrie’s Place, for example, at external events, work endorsed functions, clients, or customer’s premises [**workplace**]. This can extend to situations outside of the workplace and work hours where there is a connection to the workplace.
- 2.4. Client and other external stakeholder’s complaints and public interest disclosures are dealt with through separate mechanisms. **Refer Chapter 6.**

3. Definitions

‘Complainant’ refers to a person that has or makes a complaint.

‘Respondent’ refers to any person whom a complaint is made against.

‘Grievance’ - refers to any type of problem, concern, complaint or dispute about work or the work environment raised by a worker. This could include interpersonal concerns regarding other workers, or a grievance about matters relating to employment, such as staff development, leave allocation, performance appraisal or the nature of supervision.

4. Organisational Commitment and Expectations

- 4.1. Carrie’s Place workers and volunteers have the right to lodge a grievance about any aspect of organisational operations, conduct of worker(s), the Governance

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- Committee, or any other representative of the organisation.
- 4.2. Carrie's Place encourages and supports workers and volunteers (and their advocates) to raise concerns.
- 4.3. Carrie's Place has a responsibility to:
- Model appropriate behaviour and monitor the workplace to ensure acceptable standards of conduct are always being followed;
 - Treat all complaints seriously, equitably and confidentially;
 - Respond to all complaints in accordance with this procedure;
 - Refer to a suitably qualified third party to investigate, if required;
 - Train and educate all workers on the contents of the **Appropriate Workplace Behaviour Policy, Code of Conduct** and this Policy; and
 - Follow up with all parties involved in a grievance to ensure that effective working relationships have been restored (if applicable) and continue to monitor the work environment.
- 4.4. Management must notify the CEO (who will in turn advise the Governance Committee) immediately when:
- Dangerous, criminal or other illegal activities are identified;
 - A grievance is found to be vexatious; and
 - The complainant decides not to proceed with the grievance, but management has formed the opinion that the matters raised are of a serious nature or a risk to the health and safety of workers.
- 4.5. Workers have a responsibility to:
- Conduct themselves in line with the Organisation's values, policies and procedures;
 - Not participate in, or encourage, unlawful behaviour or policy breaches within the workplace or other work environments;
 - Maintain confidentiality if made aware of, or involved in a grievance; and
 - Report any incidents or breaches to their Manager.
- 4.6. All workers will be offered the opportunity to attend "in house" "Ethics and Values Training", which is specific to this organisation, and which will include education on the topics of bullying and harassment, as well as the organisation's complaint processes.
- 4.7. The CEO, or their delegate, will be responsible for designing, coordinating and implementing the training referred to above.
- 4.8. All complaint/grievance/dispute investigations must be culturally appropriate.

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The cultural background of the person lodging a complaint/grievance/dispute must be considered and appropriate sensitivity shown. Refer to *organisational Statement of Inclusive Practice*.

5. Initiating the Grievance Process

- 5.1. Should a worker feel that they have been subject to any form of unlawful conduct or behaviour that is contrary to Carrie's Place values and expected conduct and behaviour, or if they have a workplace grievance or dispute, they should not ignore it. The procedure contained within this document should be used for dealing with these issues.

6. Expectations During Management of a Grievance or Complaint

- 6.1. Work will continue as normal while the parties attempt to resolve a grievance, as far as practicable, unless there is a reasonable concern about an imminent risk to worker's health or safety.
- 6.2. In some cases, it may be appropriate for the Respondent to be stood down from duties on full pay until the investigation is completed.
- 6.3. At any time during a grievance, a worker can seek legal advice, at their own expense. Workers also have a right to contact relevant external agencies for advice and help, although they are encouraged to attempt to resolve matters through this process before undertaking legal action.

7. Confidentiality

- 7.1. Management will maintain confidentiality in all grievances as best as possible. However, it may be necessary to speak with other workers to determine the facts of the case, to afford fairness to those against whom the complaint has been made and to resolve the complaint.
- 7.2. All workers (including the Complainant and support person/s) involved in an investigation must also maintain confidentiality.
- 7.3. Spreading rumours or gossip is against Carrie's Place policy and may expose workers to a defamation claim and/or disciplinary action.

8. Victimisation

- 8.1. It is unlawful to treat a person unfairly, or differently because they have made a complaint. This is referred to as victimisation and will not be tolerated.
- 8.2. If a worker believes they are being victimised, the worker should raise a grievance in accordance with this Procedure.

9. Vexatious Or Malicious Complaints

- 9.1. Disciplinary action may be taken against anyone who raises a malicious or vexatious claim against another worker. Any such action will depend on the individual circumstances of each situation but may include discipline up to and including termination of employment.

10. Grievance Resolution Procedure

- 10.1. Should a worker feel that they have been subject to any form of unlawful conduct or behaviour that is contrary to Carrie's Place values and expected conduct and behaviour, or if they have a workplace grievance, they should not ignore it. They should undertake the following steps to attempt to resolve the issue:

Stage 1: Seeking resolution directly

In the first instance, workers are encouraged to undertake the early resolution of a matter by discussing the grievance with the person to whom it relates, identifying the concerns and trying to work towards a resolution. If the situation is resolved from this, no further action is required.

If the issue remains unresolved, or the worker is not comfortable approaching the person directly, the next step is to escalate the issue to the relevant Manager. If the issue is with the Manager, the matter should be escalated to the next level of Management or another Manager outside of the department.

Stage 2: Seeking resolution with the Manager

Depending on the nature of the grievance and the objective seriousness, the Manager may determine that it is appropriate for the matter to be dealt with in accordance with the **Performance Management and Discipline Policy**, particularly if it relates to a breach of Carrie's Place policy.

The Manager may provide coaching to the worker where appropriate to return to step one and seek resolution directly.

In other cases, the Manager may attempt to resolve the issue by other means. Managers may seek further information from the Complainant and other persons involved to determine a possible resolution, which could include:

- A discussion of the problem and outcomes with individual parties; and
- Facilitating mediation between all parties, subject to the consent of those parties.

If a grievance is resolved at this stage, Managers should monitor relationships and encourage open communication to ensure no further problems arise out of the matter.

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If the behaviour resumes, the attempts to resolve the issue informally are unsuccessful, the situation is too serious, or if the complainant requests it, a formal investigation may be required.

11. Formal Complaint and Investigation Procedure

11.1. A worker can lodge a formal complaint by speaking or writing to:

- Their immediate Supervisor;
- A Program Manager;
- The Chief Executive Officer (CEO);
- A Governance Committee member; and/or
- An External organisation whose purpose is to investigate such matters, such as the NSW Ombudsman, funding bodies, members of parliament etc.

11.2. To determine the most appropriate action and process to follow, there should always be an initial review of the complaint which is to be undertaken by the CEO or Chair of the Governance Committee (GC). This initial review will consider:

- Any immediate risks to the health, safety and welfare of any staff, volunteers, complainants, clients, or any other parties that need to be managed immediately; and the
- Nature and seriousness of the complaint.

11.3. Anonymous complaints may still be managed in accordance with this Policy based on the information provided, the ability to obtain further information and the nature and seriousness of the complaint.

11.4. A formal investigation may be conducted:

- When a formal complaint has been made;
- For all serious grievances; and/or
- At the discretion of Carrie's Place.

11.5. The CEO will appoint an investigator and delegate this responsibility to an independent Program Manager, the GC or an independent external investigator depending on the seriousness of the complaint (referred to as "the investigator").

11.6. If the complaint involves the CEO, the Chair of the GC will notify the remaining GC members and form a subcommittee of the GC to investigate. Alternatively, the GC may engage an external investigator depending on the nature and seriousness of the complaint.

11.7. If considered appropriate for the safe and efficient conduct of an investigation, a worker may be asked not to report for work during the period of an

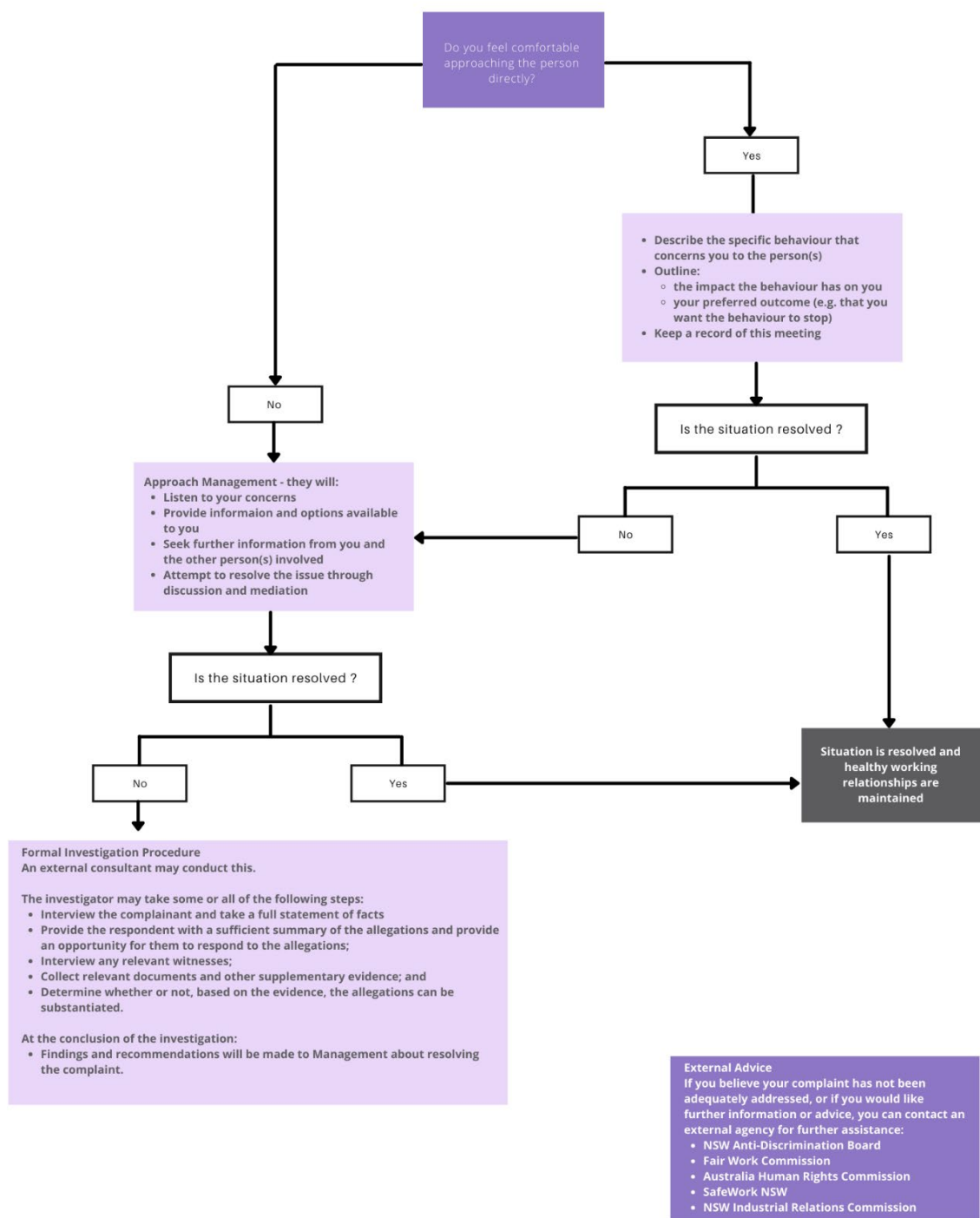
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investigation. Carrie's Place may also provide alternative duties or work during the investigation period.

- 11.8. An investigation will generally involve collecting information about the complaint and making a finding based on the available information as to whether or not the alleged behaviour occurred. The investigator will determine the appropriate scope of the investigation commensurate with the complaint.
- 11.9. The scope may include taking some or all of the following steps:
- Interviewing the complainant and taking a full statement of facts;
 - Providing the respondent with a sufficient summary of the allegations, and providing an opportunity to respond to the allegations;
 - Interviewing any relevant witnesses;
 - Collecting relevant documents and other supplementary evidence; and
 - Determining whether or not, based on the evidence, the allegations can be substantiated.
- 11.10. At the conclusion of the investigation:
- Findings and recommendations will be made to the CEO about resolving the complaint;
 - The CEO (or their appointed delegate) acts as the final decision maker and is responsible for determining any outcomes as a result of the investigation; and
 - Where the grievance is regarding the CEO, findings and recommendations will be made to the GC, and the GC will act as the final decision maker.

12. Grievance Flowchart

Grievance Flowchart



13. Appeals Process

- 13.1. If a worker believes that the formal investigation has not been reasonable or that the situation is still not resolved, they can appeal to the CEO to reinvestigate the matter and/or take further action to resolve the dispute.
- 13.2. Where the grievance is regarding the CEO, an appeal may be made to the GC.
- 13.3. Workers may also contact an external agency for further assistance and advice.

14. Possible Outcomes

- 14.1. Possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint.
- 14.2. Carrie's Place may take a range of non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:
 - Remedial action i.e. training to assist in addressing the issues underpinning the complaint;
 - Monitoring relationships and encouraging open communication to ensure no further problems arise out of the matter;
 - Implementing a new Policy;
 - Mediation;
 - Requiring an apology or an undertaking that certain behaviour stop; and/or
 - Changing work arrangements.
- 14.3. If a person is found to have acted inappropriately or breached Carrie's Place policies or procedures, they will be disciplined in accordance with Carrie's Place **Performance Management and Discipline Policy** which may include action up to and including termination of employment.

15. Notifications and Reporting

- 15.1. All complaints should be recorded in the *Complaints Register*.
- 15.2. The CEO will report to the GC about complaints and provide details as to any potential risks as well as details of the process to be undertaken with respect to the investigation. The CEO will provide regular updates to the GC about the status of the investigation.
- 15.3. Carrie's Place is also subject to a range of external notification obligations which include:
 - The NSW Police may be notified if there is alleged criminal conduct;

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- Department of Communities and Justice must be advised depending on the seriousness of the allegation.

16. Compliance

- 16.1. We seek and encourage the commitment of all workers regarding this Policy and are dedicated to ensuring that all workers are aware of and understand all elements of this Policy and associated policies and procedures.
- 16.2. Employees must comply with the requirements of this Policy. Any breach of this Policy may result in disciplinary action including, but not limited to, termination of employment.

17. Related Documents

Code of Conduct
Appropriate Workplace Behaviours Policy
Performance Management and Discipline Policy

18. Declaration

- 18.1. I have read and understood this Policy

Workers Full Name:	
Workers Signature	
Date:	

19. Revision History

Rev	Date	Revision Description	Name
0	Nov 2020	Policy Update	CEO / GC
1	Feb 2022	Policy Update to include grievance procedure and review of formal complaint and investigation process	CEO and Skildare
2	April 2022	Review	CEO