



UNSW Student Life

Grievance Resolution Policy and Procedure

Responsible Officer	HR Manager
Approved by	Executive Committee
Approval Date	25/5/19
Review	Every two years or as required
Associated Documents	Arc Employee Collective Agreement Code of Conduct Equity, Diversity and Inclusion Policy Managing Conduct and Underperformance Policy & Procedure WHS Management Plan (re WHS issue resolution) Workplace Harassment, Discrimination & Bullying Policy

This policy and procedure provides guidance on what can be classified as a workplace grievance, how grievances can be raised/decisions appealed against and how Arc@UNSW ('Arc') may address these concerns to resolve present and future conflict.

1. Purpose

Arc recognises that workers' performance may be negatively affected where they are aggrieved or feel that they have not been treated fairly in the workplace. Arc is therefore committed to providing a workplace which is free from victimisation and values fairness, safety and equality by providing all employees with the right access to this grievance and appeal procedure where they have a legitimate personal grievance related to the workplace.

To achieve this purpose, Arc encourages employees to raise grievances where they arise in line with this policy and procedure. Arc will aim to deal with any complaints received in a prompt, sensitive, impartial, confidential and supportive way to seek a resolution and to prevent future conflict.

All parties should co-operate constructively in resolving matters. Staff members are encouraged to only use the formal procedure where the matter has not been resolved through informal dialogue.

2. Scope

This policy and procedure apply to employees, office bearers, contractors and volunteers of Arc and will be referred to collectively as "staff".

This policy and procedure is designed to be a guide only and does not purport to prescribe the actions required to handle every instance of complaint/grievance within the spectrum of potential workplace conflict. It does not form part of any employment contract. Accordingly, managers and employees are expected to use their discretion as to how particular grievances should be handled having regard to the circumstances, the purpose of this policy and procedure, and the principles contained herein.

To avoid doubt, this policy and procedure is not applicable to complaints or grievances as they relate to bullying, harassment or discrimination. Where workers feel that they have experienced any of these behaviours related to the workplace, they are to refer to “Workplace Harassment, Discrimination & Bullying Policy”.

Additionally, grievances which should not be pursued by this procedure include:

- Disputes relating to matters beyond the control of Arc e.g. income tax;
- Grievances and complaints relating to incidents that occurred more than three months prior to the grievance being raised for which no reasonable excuse explaining the delay has been provided to Arc;
- Grievances or concerns relating to a disciplinary procedure, workplace investigation, or performance management process involving the person making the complaint where the appropriate Arc’s policy or procedure has been complied with;
- Any concern or grievance that should be raised via the WHS Issue Resolution Procedure (as per the WHS Management Plan).

3. Definitions

Appeal: Where a staff member wishes to dispute or challenge a decision that has been made regarding their grievance/complaint in the workplace.

Complaint: An objection or criticism that is raised about any incident relating to other staff members, customers and/or working conditions. A complaint may not need to be responded to by way of formal investigation but should always be acknowledged.

Complainant: A person who makes a complaint, or raises a grievance in the workplace who has experienced, and been affected by, a grievance-worthy event.

Contact person: Is the person staff members need to address their grievances with in the first instance and is usually their line manager/direct supervisor. If this is not practicable or appropriate, the level up manager or HR Manager should be contacted.

Grievance: Any complaint, concern, dispute or problem to do with work, the working environment, workload and/or your employment relationship can be a grievance. Grievances can arise due to work-related behaviours, acts, situations, omissions, or decisions, which an employee considers to be unfair or unjustified and requires addressing by management, another staff member or staff members and is raised in accordance with this policy and procedure.

4. Procedure

The following procedural steps are a guideline of the actions which can be taken once a grievance has been identified. However, employees and management of Arc should be mindful of the individual circumstances of each case and act appropriately in response to these.

4.1 Informal Grievance Resolution

4.1.1 Self-Resolution

Where the individual complainant feels comfortable doing so, they should attempt to seek a resolution to the grievance themselves with the person/persons involved. The focus on self-resolution is to avoid escalation of grievances in the future, to produce a positive result for the maximum number of parties and to encourage a culture where honest and constructive dialogue is valued. Arc does not condone behaviour which is contrary to these objectives, and therefore will not tolerate individuals behaving in a confrontational, aggressive or abusive way in the pursuit of addressing a workplace grievance.

4.1.2 Informal grievance mechanisms may also include:

- the manager/supervisor and/or HR Manager attempt to resolve the grievance through informal discussions with the complainant and the respondent;
- internal mediation between parties; and

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- management raising awareness in relation to appropriate workplace behaviour.

4.2 Formal Grievance Resolution

Where an individual does not feel comfortable addressing a grievance with the person/persons involved directly, or where they have attempted to resolve the grievance themselves without success, they should report the grievance to the appropriate contact person. The contact person will be their Supervisor/Manager. If the complainant does not feel comfortable reporting the grievance to the contact person because the grievance directly involves them, or if they are unsatisfied with their response in the first instance, the complainant should report the grievance to the next manager in line or HR Manager.

Once a grievance has been raised with the contact person, the contact person will then determine how the grievance should be handled with regard to the steps set out below, or other appropriate measures which they think fit. This might include determining whether another more appropriate policy and procedure should be followed (e.g. bullying) and whether any investigation(s) need to be conducted. The contact person will make a decision and communicate the result to all those involved.

When formally reporting the grievance to the contact person, the complainant will need to do the following:

- Set out their grievance in writing;
- Include full details of the grievance such as names, dates reasons for the grievance; and
- Detail the desired result of raising the grievance.

After reporting your grievance to the contact person, the contact person will follow the procedure below or one which is deemed relevant considering the circumstances.

4.2.1 Interview

The contact person will arrange for an initial interview to be held with the complainant within five working days of the complaint being made, or as soon as practicable given the circumstances. The purpose of this interview includes:

- Ascertaining the extent of the grievance and the desired outcome;
- Advising the complainant of this grievance policy and procedure (including requiring a grievance to be set out in writing); and
- The contact person ascertaining the necessary steps to be taken in order to deal with, and resolve the grievance, including whether or not the contact person is the appropriate person to handle the grievance.

When deciding on their suitability for handling the grievance, the contact person must consider their ability to remain impartial during any grievance procedure, their level of authority and their ability to successfully handle the grievance process. If the contact person feels that they are unable to handle the procedure, then they must refer the grievance on to HR Manager.

4.2.2 Investigation

Where the contact person determines that the grievance requires an investigation, the following may occur:

- Interviews of relevant parties may be conducted;
- Individuals who are alleged to have caused the grievance will be notified of the allegations made against them;
- The opportunity afforded to respond to any allegations put to the person accused of causing the grievance, or being responsible for the actions leading to a grievance being made and time to prepare the response; and
- All relevant information, documentation and evidence to be considered by the contact person in order to make an accurate judgement as to the outcome of the investigation.

4.2.3 Work to continue

Where appropriate, work should continue as normal in the workplace whilst an investigation is being undertaken into an alleged incident/grievance. Unless there is a direct threat to the health and safety of any of the persons involved in the investigation, then all employees will be required to continue to work as per normal. If there is a

threat to health and safety of any person involved, employee(s) may be stood down on full pay or asked to work from a different location until such time as the investigation process has been completed and an outcome determined. The contact person is to inform any members of staff required to be stood down of this decision and the expected return to work date. All staff involved in the investigation process are expected to cooperate with Arc, offer up honest information and ensure the fair and expedient resolution of the grievance is achieved.

4.2.4 Procedural fairness

Throughout the process of any investigation under this policy and procedure, all those involved in an investigation will be afforded, and will abide by the principles of natural justice and procedural fairness. Accordingly, any person involved in an investigation will be afforded the following:

- Adequate notice of any investigation or meeting;
- Information about the allegations, the relevant facts and evidence;
- Time to consider their response;
- An opportunity to respond to allegations;
- An opportunity to have a support person present in any investigation meeting where a request is made to the contact person; and
- A right of appeal.

4.2.5 Access to support

Any person involved in a grievance procedure will have access to a support person of their choosing during any meeting related to the grievance procedure. A support person can be requested at any stage of the grievance process; however, the contact person must be notified in advance if a support person will be present in a meeting. A nominated support person can accompany any party to a meeting; however, they will not be able to contribute to the meeting save for asking for clarification if they are unsure of any point raised.

Any party involved in a grievance procedure will have access to support and advice from HR Manager.

4.2.6 Employee Assistance Program

If applicable, employees may be offered information on Arc's Employee Assistance Program.

4.2.7 Record keeping

At all times, details of all conversations and dates are to be recorded as these are valid evidence should the matter go to a court of law.

5. Victimisation

Arc will take disciplinary action in line with the "Managing Conduct and Underperformance Policy & Procedure" against any individual who is found to have victimised or retaliated against a complainant who has raised a grievance under this policy, or any individual who is found to have made false, vexatious or unsubstantiated complaints against another person under this policy.

6. Confidentiality and discretion

Arc expects that all of those involved in any procedure under this policy maintain the confidentiality of the identity of the person(s) and the incident(s) alleged to have occurred to warrant a grievance being lodged. Any breaches of confidentiality will be taken seriously and may result in disciplinary action being taken. Wherever practicable and appropriate, individuals involved in a grievance procedure should act with discretion and avoid drawing others' attention to grievance procedures which are in progress in the workplace.

7. Appeal / Review of decisions

7.1 Internal Appeals procedure

If you are unhappy about the way the grievance has been handled by Arc, you can refer the matter to the CEO for review. The appeal needs to be submitted within 5 working days of receiving notification of the outcome of the formal grievance.

Once notified, CEO will conduct a review of the procedure followed, the outcome issued and make a final determination on the issue. Once this determination is made, the person who has made the appeal will be notified of the outcome and this determination will be final.

7.2 External sources of information and appeal

The following bodies can provide you with more information if you require:

Fair Work Ombudsman 13 13 94
Australian Human Rights Commission 1800 620 241 (toll free)

8. Withdrawal or discontinuation of complaint

At any stage during the informal or formal complaint procedure, the complainant may withdraw or discontinue their complaint. If the complaint is being handled under the formal complaint procedure, the withdrawal or discontinuance should be made in writing. If a complaint is withdrawn or discontinued Arc may still take action to address the issues raised in the complaint, if Arc considers it appropriate to do so.

Version	Date	Author	Approval	Sections modified	Details of amendments
2.0	April 2014	HR Manager	CEO/Executive Committee	All	This is an updated policy
3.0	March 2017	HR Manager	Executive Committee	All	Update of the policy to clarify the scope, include definitions and specify the procedure.
4.0	May 2019	HR Manager	Executive Committee	7 & 8	Adding point 8 re withdrawal or discontinuation