



# HunterValley

HV Disability Services Ltd

## RESOLUTION OF EMPLOYEE GRIEVANCES

POLICY AND  
PROCEDURE

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## Version control

Version	Date	Changes
1.0	29/11/2017	New document

## Purpose

HV Disability Services recognises the right of individuals to express their concern about work related issues. The grievance process provides an official avenue to resolve our people's genuine grievances in a fair, appropriate and timely manner in order to achieve effective resolutions and outcomes.

## Scope

This policy applies to all our people currently engaged with HV Disability Services. This extends to our people, both paid and unpaid, in the delivery of engagement on behalf of HV Disability Services.

## Definitions

Term	Definition
complainant	The person who lodges the grievance/complaint.
Employee Assistance Program (EAP)	To support our people through life's and work's challenges we offer an Employee Assistance Program (EAP) which incorporates free counselling services.
grievance	A dispute or problem about any act, behaviour, omission, situation or decision, which a person may think is unfair and unjust and is work related, some examples include: <ul style="list-style-type: none"><li>• the interpretation and application of the organisation's policy or procedure</li><li>• workplace communication or interpersonal conflict</li><li>• health, safety and wellness</li><li>• bullying, harassment and intimidation</li><li>• discrimination and vilification</li></ul>

	<ul style="list-style-type: none"> <li>• equal employment opportunity.</li> </ul>
grievance officer	A person in a workplace trained to conduct formal and informal workplace grievances or complaints, this can be a manager or a member of the People and Culture.
investigator	A person appointed on behalf or by the organisation to conduct a full, frank and transparent investigation.
HV Disability Services people	HV Disability Services directors, employees, volunteers, contractors, consultants, agents and students undertaking work experience.
mediation	<p>A process by which both the applicant and respondent are brought together in an attempt to help reach a mutual and respectful agreement.</p> <p>A mediator is an independent third party who liaises with involved people and then brings the parties together to mediate a resolution in order to reach an amicable solution to the issue.</p>
respondent	The person who the grievance/complaint is made about or against.
victimisation	Retaliation against a person because they have lodged a complaint, intends to lodge a complaint or they are involved in a complaint.
witness	A person named as a witness to an event or incident by the applicant or respondent in the respective matter.

## Policy

HV Disability Services aims to maintain a harmonious working environment that encourages collaboration, cooperation and communication in alignment with its Mission and Values.

It is recognised that, on occasions, disagreements, interpersonal conflict, health and safety concerns, inappropriate conduct and behaviours, may arise in the workplace. This process is required to resolve genuine employee grievances.

This policy aims to ensure processes for the resolution of grievances are appropriate, fair and actioned in a timely manner, without victimisation or intimidation of any person connected with the grievance.

To ensure the approach taken in resolving a grievance is appropriate to the specific circumstances, HV Disability Services may modify the manner in which the processes outlined in this policy and Procedure are actioned.

If a formal grievance is lodged, HV Disability Services is committed to grievance handling guided by the Natural Justice principle, whereby individuals involved have the right to be heard, to respond, and decisions are free from bias. All decisions are based on balance after considering all relevant and available facts or after conducting a reasonable investigation process.

## Procedure

### 1. Self-resolution

- 1.1 If the complainant feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved in the grievance. The employee may find the other person was not aware of their grievance and the matter can be resolved directly.

### 2. Report the grievance to management

- 2.1 If the complainant does not feel comfortable talking to the person(s) involved, or they have tried to and it was ineffective in resolving the grievance, the complainant should report or escalate the grievance to a grievance officer, which could be their manager or the People and Culture team, in person or in writing.
- 2.2 The written complaint should be as comprehensive as possible and contain a description of the incident(s), decision(s), behaviour(s) in question, the time and date of the incidents(s), and the names of any witnesses.
- 2.3 After receiving a grievance, the manager will use reasonable endeavours to conduct an initial meeting with the complainant to:
- obtain information about the grievance and what they consider will resolve it
  - explain how the grievance procedure works
  - decide if they are the appropriate person to handle the grievance or if the matter be referred to a more senior manager, People and Culture or Quality Assurance, Risk and Compliance.
  - initiate one of the procedures outlined below that is regarded as most suitable for dealing with the grievance.
- 2.4 If the grievance relates to the employee's manager, they can report or escalate the grievance to the appropriate senior manager or to People and Culture.

### 3. Informal procedure

- 3.1 The informal procedure involves a range of informal actions to resolve the grievance. Such actions depend on the individual circumstances of the grievance. Possible actions include, but are not limited to:
- the manager discussing the issue with the person against whom the complaint is made
  - the manager facilitating a meeting between the parties in an attempt to resolve the issue and move forward.
- 3.2 Many employee grievances can be resolved through the informal procedure. However, in circumstances where the manager considers the informal procedure is not appropriate, and the grievance is sufficiently serious, the grievance should be escalated to the formal procedure.
- 3.3 Managers should keep record of the nature of the grievance, summary of discussion with parties involved and the outcome of the informal process.
- 3.4 Resolution of a grievance or escalation of a grievance to a formal procedure must be documented in the incident reporting system.

#### **4. Formal procedures**

- 4.1 If the grievance is not able to be resolved through the informal procedure or the informal procedure is not appropriate, the formal procedure may be commenced.
- 4.2 The formal procedure may include a fact finding exercise or a formal investigation and a formal decision about appropriate actions and outcomes.
- 4.3 Generally, a grievance or complaint that involves internal disputes amongst employees is dealt with by People and Culture in a fact-finding exercise. Whereas, a grievance or complaint involving a client or participant should be investigated by an investigator from Quality Risk and Compliance.
- 4.4 A fact-finding exercise or a formal investigation generally involves collecting information about the grievance and then making a finding based on the available information.

#### **5. Findings**

- 5.1 In a grievance, an allegation can be substantiated after having considered all relevant information, and based on the weight of the evidence, can verify there is truth to the claim.
- 5.2 An allegation can be not substantiated when the grievance officer or an investigator has been unable to verify any truth to the claim. A finding not substantiated does not necessarily imply that the behaviours/action/decision did not occur or was not unjust or unfair, simply that the investigator was unable to verify truth to the claim based on the available information.
- 5.3 A grievance is considered vexatious when the allegation has been made maliciously and/or without probable cause by a person who is not acting in good faith and has the intention of annoying or embarrassing another person.

#### **6. Recommendations and outcomes**

- 6.1 Depending on the formal procedure undertaken, the grievance officer or investigator should provide a brief summary or a full investigation report on the information collected and the recommendations and outcome of the grievance.
- 6.2 Where an investigation results in a finding that a person has engaged in conduct in breach of an HV Disability Services policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the grievance and other relevant factors. Please refer to the Disciplinary Action Procedure.
- 6.3 Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal.
- 6.4 Any disciplinary action is a confidential matter between the affected person(s) and HV Disability Services.
- 6.5 HV Disability Services may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:
  - training to assist in addressing the problems underpinning the grievance
  - increased supervision or monitoring to ensure that there are no further problems
  - implementing a new policy or reinforcement of existing policies and procedures
  - an apology or an undertaking to cease certain behaviours
  - changing work arrangements
  - external mediation
  - an apology.

6.6 Resolution and outcome of a formal grievance must be documented in the incident reporting system.

## **7. Continue to work**

7.1 Work will continue as normal while an employee grievance is being dealt with under this policy. All persons affected by the grievance are expected to cooperate with HV Disability Services to ensure the efficient and fair resolution of the grievance.

## **8. Communication and timeliness**

8.1 HV Disability Services is committed to regular communication with each person involved in making, receiving and investigating a grievance.

8.2 Grievances generally should be resolved within two to three weeks if a full investigation is required. Where timelines need to be adjusted, this will be communicated directly with each person involved in making and receiving a grievance.

## **9. Victimisation**

9.1 Disciplinary action will be taken against any person who victimises or retaliates against a person who has lodged or is involved in an employee grievance issue under this policy. Such action may include termination of employment.

## **10. Confidentiality**

10.1 All employees, volunteers and workplace participants involved in the grievance must maintain confidentiality, including the complainant. Details pertaining to the grievance should not be discussed other than with the investigator, grievance officers, designated supported person, advocate or representative.

10.2 During the grievance process, it may be necessary to speak with other employees or other workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the grievance.

10.3 If a person breaches confidentiality, they may be disciplined.

## **11. Documentation**

11.1 Appropriate records of a formal grievance process and outcome are kept by People and Culture, either on an employee's personnel file or other record keeping mechanism.

## **12. Access to support and representation**

12.1 The employee can seek advice from their manager, supervisor or a support person at any stage during the grievance process. The employee can bring a support person to a grievance meeting if so desired.

## **13. Timeframes**

13.1 All workplace grievances must be received within 12 months of the issue or event occurring. Matters outside this timeframe may not be considered but will be reviewed on each occasion and based on the seriousness and frequency of the issue or event occurring.

## **14. Serious and reportable matters**

13.2 All matters that involve evidence of criminal conduct must be referred directly to People and Culture who may refer the matter to the police or appropriate agency.

- 13.3 If the matter involves any form of corrupt conduct, maladministration or neglectful waste, the person handling the grievance must seek advice from the regional CEO.
- 13.4 If the matter involves reportable matters for people we support, please refer to the [Safeguarding – Policy and Procedure](#).

## Responsibilities

Employees and volunteers are responsible for:

- understanding and complying with this policy
- raising any genuine grievance in a timely manner
- not lodging an unfounded, vexatious or false grievance
- maintaining confidentiality of a grievance.

Team leaders, coordinators and managers are responsible for:

- understanding and complying with this policy
- ensuring that employees and volunteers understand and comply with this policy
- responding in a timely manner to all grievances confidentially, sensitively and fairly
- resolving grievances following the processes outlined above
- liaising with People and Culture as appropriate to resolve grievances and take the appropriate steps to ensure safety and wellbeing of parties involved
- documenting resolution of a grievance in the incident reporting system.

Regional CEO and the Senior Leadership Team are responsible for:

- ensuring organisational adherence to this policy including the delegation of operational responsibilities as appropriate
- monitoring trends, risks and usage data to inform planning and improvements at a strategic level.

People and Culture are responsible for:

- implementing this policy
- providing guidance, advice and assistance to management
- acting as a grievance officer or investigation officer as required
- where appropriate, deciding upon, or approving, the resolution of any grievance.

## Exclusions

This procedure does not apply to:

- reasonable operational decisions relating to performance management, restructure, redeployment, transfers, redundancy or rostering
- reportable matters involving vulnerable clients or participants (refer to [Safeguarding – Policy and Procedure](#))
- feedback from our people in relation to the services and support offered by HV Disability Services to the people who use our services
- workers compensation issues that are covered by the workers compensation law or HV Disability Services policy and procedure

- HV Disability Services will not generally act on anonymous grievances unless the issues raised are serious and sufficient information is provided to warrant further inquiry into the allegations
- where the issue(s) has occurred more than 12 months from the date of notification of the grievance.

## Grievance Resolution Procedure Flow Chart

