
Policy – Grievance

Purpose & Scope

The Academy of Entrepreneurs is committed to ensuring that all employees have an avenue for raising and managing grievances within the workplace effectively. A grievance falls into two distinct categories:

- a) Breaches of state or commonwealth legislation that relates to unlawful discrimination, harassment or bullying. This type of grievance may be handled internally or by the appropriate external agency which administers the legislation
- b) Unfair or inappropriate behaviour that is not directly governed by specific legislation

A grievance is usually raised by an employee at the workplace who feels aggrieved by either an action or a decision, or as a result of inaction.

Definition

A "grievance" occurs when an employee feels aggrieved about a matter associated with his or her employment conditions, or when he or she disagrees with a decision, action or behaviour in the workplace by a fellow staff member, supervisor or manager that may affect the working relationship or work environment.

Raising a Grievance Complaint

All grievances will be taken very seriously. Where an employee, contractor or casual feels aggrieved by the actions or conduct of another person they should, in the first instance, tell the person involved that their conduct is causing concern and ask to discuss the issue. In many instances the person concerned may not be aware that they are causing distress and will look to resolve the matter amicably, once they have been made aware.

If the complainant feels uncomfortable directly approaching the individual they should speak to their manager or another senior individual in the organisation. It is important that the complainant knows that there are other options available to them if the matter cannot be resolved by this initial conversation.

Steps to raise a grievance

- a) Raise the grievance with the person involved – if an individual is experiencing behaviour within the work environment that they find unacceptable they should raise the issue with the individual(s) involved, and look to resolve it amicably
- b) Make a complaint to a manager if the behaviour or situation has not been resolved after raising it with the individual(s) – if unable to resolve the situation or the accused individual does not stop the behaviour after it has been raised or the complainant feels uncomfortable raising it directly with the accused individual, it should be raised with a manager. The manager should take notes of the discussion and provide information to the complainant about the grievance policy and the options available to them, including access to an EAP program. If a manager fails to investigate a complaint they may be jointly liable with the offender for the conduct
- c) Interview with complainant regarding the grievance – the manager should arrange an interview to formally discuss the situation; this should be conducted somewhere where the complainant can talk freely and privately. The manager should seek specifics regarding the situation including names, dates and times and have both parties sign at the conclusion of the meeting. At the end of the interview the manager needs to make a determination as to whether the conduct potentially constitutes an unacceptable conduct or warrants a grievance and whether the matter requires formal investigation. Not all complaints will warrant further investigation. Thereafter the manager must ensure that the individual is not exposed to further grievances (if the behaviour has been identified as such) and also that the accused individual(s) has the right to a fair and impartial investigation
- d) Complete a formal investigation ensuring procedural fairness – the accused individual(s) needs to be informed of the grievance allegations and that a formal investigation is to be conducted and what is involved in this process. The accused individual(s) needs to be given an opportunity to respond and have this response considered prior to a determination being made. All decisions need to be unbiased and justified and the accused individual is to be given the opportunity to have a support person present at meetings and interviews. This support person could be an employee representative. The accused employee

should be given at least 24 hours written notice of grievance meetings, where appropriate and possible, based on the nature and severity of the conduct or behaviour

- e) Interview any witnesses nominated by the complainant - individuals are interviewed separately and a full written record prepared which each interviewee signs
- f) Interview the accused individual(s) - set a time to meet with the accused individual(s) and advise them that they are able to bring a support person to the meeting. Advise the accused individual(s) of the allegations formally and, should they wish to seek legal advice, break whilst legal advice is obtained. Formally document the interview and ensure that the individual(s) sign the document. If an individual refuses to sign, make a note on the document that a signature was sought and refused
- g) Interview any witnesses nominated by the accused individual - individuals are interviewed separately and a full written record prepared which each interviewee signs. If an individual refuses to sign, make a note on the document that a signature was sought and refused
- h) Determination - the investigator will need to make a determination, having reviewed all of the interviews, of what has happened, on the balance of probability. Except in the case of serious or criminal conduct, where possible, resolution between the parties should be sort through mediation

The manager needs to make a determination after reviewing all the information available at the time and may decide that:

- a. the incident did occur
- b. the incident did not occur, or
- c. the manager cannot form a view about whether the incident did or did not occur

If the matter is deemed to have happened on the balance of probability and is serious in nature the individual(s) may be subject to appropriate disciplinary action, which may include warnings, suspension or termination of employment. Where possible, a grievance proven should be resolved as amicably and quickly as possible.

False accusations, vexatious complaints and civil action

Employees should ensure that all complaints are genuine and that they are acting in good faith. Allegations of unacceptable behaviour are serious matters and can potentially damage an individual's reputation and career aspirations. Making vexatious or frivolous complaints may lead to the employee being sued in a civil action (e.g. defamation) and / or disciplinary outcomes.

Confidentiality

Confidentiality is of the most utmost importance to protect all individuals involved, however, in some circumstances where authorities need to be advised this may not be possible. Only the individuals that are involved formally in the investigation or attempted resolution of a complaint should have access to information and documentation regarding the matter. Consequently only individuals that have a role to play in the investigation should be discussing the complaint with relevant parties. Any employee or managers found to be engaged in gossip or innuendo about a complaint will risk disciplinary action as a result.

Approvals & review

Policy review date:	30/12/2017
Policy approved by title:	Academy of Entrepreneurs Pty Ltd
Policy approved by signature:	