



St Vincent de Paul Society NSW
Members and Volunteers Grievance Policy

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Approved by St Vincent de Paul Society, NSW State Council 31 August 2013.

Version Control

Contact officer	Role	Vers No	Date	Review Date
Dianne Lucas	Executive Officer	3	14 August 2013	August 2015

1 Policy Statement

The St Vincent de Paul Society (“the Society”) recognises that a harmonious and productive workplace environment is the goal of all organisations. An open and transparent policy on the management of grievances:

- provides all members and volunteers with an opportunity to express concern about a workplace-related issue; and
- provides a clear system by which such issues are investigated and resolved.

2 Scope

2.1. This policy applies to all members and volunteers of the Society. All new members and volunteers will be advised of this policy at the commencement of their involvement in the Society by their Regional Council or Conference President (for members) or Supervisor (for volunteers) or as part of an appropriate Induction Program. (Paragraph 9.4 provides examples of possible grievances and complaints which are not considered grievances for the purpose of this Policy).

3 Purpose

- 3.1. The Society is committed to providing a harmonious, productive and satisfying workplace environment.
- 3.2. The Society places a high value on constructive working relationships which are consistent with the organisation’s values of: Professionalism, Transparency, Accountability, Collaboration, Respect, Confidentiality, Compliance, and Lawfulness and in the values contained in the Rule: Commitment, Compassion, Respect, Integrity, Empathy, Advocacy and Courage.
- 3.3. The Society recognises that grievances and conflicts do occur and conflict can have an impact on the workings of the Society. Procedures are required to minimise the potential negative effects for everyone involved.
- 3.4. Members and volunteers should feel comfortable in raising complaints or grievances and have them heard and acted upon.
- 3.5. The procedures associated with this policy ensure the process to resolve complaints and grievances follows the principles of natural justice and is fair, open and transparent.
- 3.6. All members and volunteers are expected to be respectful of each other and our individual differences. Each member and volunteer has a duty to attempt to address any concern and collaborate with each other to reach a solution, only where appropriate. In the first instance all complainants should try to resolve the grievance informally with the other individual concerned. Prayer and reflection in line with the Vincentian spirit may help both parties see the issue from another perspective and help reconciliation. *‘Let us do whatever good lies at our hands’- Blessed Frederick Ozanam.*

3.7. Other than grievances that relate to serious matters as outlined in 6.7 below, it may be appropriate to resolve grievances by facilitating effective communications between the parties concerned, done in the spirit of teamwork and collaboration. The aim of involved parties should be to work through the issues with a practical approach to resolve the specific issue(s) where possible, or to determine a way to move forward from the issue(s). The use of a third party as a mediator, independent from both sides might help to resolve the situation.

4 Definitions

Complainant – means the person who has made the workplace complaint or grievance.

Conflict - means a situation, disagreement or argument which causes a person to feel that their needs, interests or concerns are under threat.

Decision Maker – means the person who is authorised to make a decision about the grievance.

Due Process / Principles of Natural Justice - means procedural fairness and includes:

- (a) the right to a fair hearing
- (b) the right to attend hearings with a support person,
- (c) the opportunity for all parties involved to be heard
- (d) the respondent (the person or people against whom the complaint has been made) having full knowledge of the nature of the grievance
- (e) the right to an independent, unbiased and fair decision-maker
- (f) a decision that is based solely on the relevant evidence
- (g) an opportunity to have the decision reviewed

Employee – for the purposes of this policy an employee is a person employed by the St Vincent de Paul Society (NSW) on a permanent, temporary or casual basis.

Grievance – is a workplace concern about the behaviour or action of another person within the Society, which has caused or is likely to cause resentment or distress. This might be real or perceived and includes an allegation of illegal activity or denial of a legal right. A grievance should be in writing. The term grievance and complaint have the same definition in this document.

Grievance Manager – means the person who is appointed to manage the grievance process.

Member – a Society member is a person who belongs to a Conference (a local parish based group) and performs vocational unpaid work for the Society. Members are also known as Vincentians. Member in this document also includes Associate Members who also undertake vocational unpaid work for the Society but do not attend Conference meetings and Volunteer Members

Parties – means the complainant(s) and the respondent(s).

Respondent – means the person or people against whom the complaint has been made.

Volunteer – a Society volunteer is a person who performs unpaid work. The term ‘volunteer’ applies to students, interns, corporates, and others who perform unpaid work for the Society as well as through various schemes including ‘work for the dole’ and ‘community service order’ schemes. In this document ‘Volunteer’ does not include ‘Members’.

5 Responsibilities

- 5.1. All members, volunteers and employees are encouraged to respect others, including where differences of opinion arise. All parties are encouraged to constructively work together when trying to resolve a concern, including trying to view the particular issue from the other person’s perspective.
- 5.2. If your involvement is requested to help address a concern, it is your responsibility to cooperate with this process. Confidentiality must be maintained at all times by all people involved in this process.

6 Applying the policy and procedures

- 6.1. This document should be read in conjunction with *Procedures for the Members and Volunteers Grievance Policy*.
- 6.2. Where a volunteer or member is the complainant under this policy and the grievance concerns another Member or Volunteer the accompanying procedures shall apply.
- 6.3. Where an employee is the complainant or the subject of a grievance then the relevant employee policy and accompanying procedures shall apply (refer to the Workplace Manual).
- 6.4. Where the grievance is against a person or organisation external to the Society or where special circumstances arise, advice should be obtained in the first instance from the Member: Central Council President and Volunteer: Central Council Executive Officer.
- 6.5. It is the Society’s expectation that wherever possible a grievance shall be resolved in a positive manner by informal means.
- 6.6. Failing the resolution of the grievance in an informal manner the grievance will be resolved by formal means including where appropriate the engagement of a person or body external to the member group, volunteer group or Society in general.
- 6.7. This policy does not apply to serious matters, such as child protection matters, or collective industrial relations matters or workplace, health and safety concerns. In such instances advice should be obtained in the first instance for Members: from Central Council President or for Volunteers: from Central Council Executive Officer.
- 6.8. A breach of the law should always be referred to the appropriate authorities after seeking advice from the Central Council President, or the Central Council Executive Officer.

6.9 **If** a complaint is of a physical or sexual abuse nature against any person acting on behalf of the Society, the Child Protection Policy applies. In the Child Protection Policy, 2012, if a complaint refers to reportable conduct, this policy and procedures must be used. ‘Reportable conduct’ is:

- Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or
- Any assault, ill treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

6.10 In all cases where the complainant or respondent is under 18 years of age, the Grievance Manager should ensure that a parent/guardian or responsible adult is available to support and be present during all discussions while the complaint is being considered.

7 Confidentiality

7.1. All parties involved in a grievance must maintain confidentiality of the identity of those involved, as well as the subject matter.

7.2. It may be necessary however for the person managing the grievance to speak with other people in order to determine what happened, to afford fairness to those against whom the concern has been made and to resolve the concern.

7.3. Please note that there are some circumstances where it will be appropriate to disclose information and not to maintain confidentiality. These include where:

- a) there is potential of serious danger to the complainant or someone else;
- b) the conduct is covered by mandatory reporting obligations involving reportable conduct;
- c) information is legitimately subpoenaed by a court or otherwise for release by law; or
- d) a crime, fraud or improper or unlawful action has occurred.

8 Advice and support

8.1. Advice on how to work through a grievance can be obtained from :

- your Central Council President (for members),
- your Supervisor (for volunteers), or
- from your Manager/Central Council Executive Officer or Workplace Relations (for employees).

9 Other procedural issues

9.1 Anonymous complaints or grievances

- a) The Society will generally not act on anonymous complaints or grievances unless the issues raised are serious and sufficient information is provided to warrant further inquiry into the allegations raised.
- b) Where an anonymous grievance is made regarding corruption or fraud the person receiving the grievance should immediately forward the matter to the Internal Auditor.
- c) Where an anonymous grievance alleging child abuse or other serious criminal conduct are received they must be immediately forwarded to the Central Council President (for members) or the relevant area's Executive Officer (for volunteers and employees).
- d) Frivolous or vexatious complaints or grievances may result in disciplinary action.

9.2 Victimization

- a) The Society will take action against any person who victimises or retaliates against a person who has lodged or is involved in a grievance under this policy.
- b) Grievances must be raised in good faith and this policy is not to be used to target or victimise another person in the workplace.

9.3 Work to Continue

- a) Generally, work will continue as normal while a grievance is being dealt with under this policy. All persons affected by the grievance are expected to cooperate with the Society to ensure the efficient and fair and prompt resolution of the matter.
- b) All persons are expected to maintain confidentiality and cooperate with any grievance matter in this policy or associated procedure.

9.4 Examples

- a) As noted above, a grievance is a complaint about the behaviour or action of another person within the Society, which has caused or is likely to cause resentment or distress. Examples of a grievance might include:
 - inter-personal conflict, for example, bullying or harassment;
 - the interpretation and application of a relevant policy in a particular way;
 - the nature of the roles of members and volunteers – for example the boundaries of volunteers and employees;
 - real or perceived different treatment of members, volunteers and employees;
 - some concern or personal distress and will usually, though not always involve other people;
 - discrimination on the basis of:
 - disability;
 - race;
 - age;

- sex including pregnancy, marital status, carers' responsibilities, homosexuality, and transgender status;
 - trade union activity; or
 - political opinion.
- b) Grievance Management is meant to deal with relatively minor workplace issues or concerns. It is important to distinguish between workplace grievances and other more serious matters. Grievance management must not be confused with other management processes. Examples of complaints that are not considered grievances under this policy include:
- Incidents of violence, or of a potentially criminal nature (a matter for the police See 6.8 above);
 - Child Protection matters (refer Child Protection Policy);
 - complaints from clients, suppliers or members of the public;
 - safety matters (refer to Workplace Health and Safety Policy);
 - genuine performance management or disciplinary matter;
 - any lawful work instruction given by a manager or supervisor;
 - allegation of fraud and corruption (refer Dealing with Fraud Policy);

10 References

This policy has been written with reference to the obligations set out in the following Acts and policies:

- *Age Discrimination Act 2004* prohibits less favourable treatment not only because of age, but also because of characteristics generally pertaining to age and characteristics generally attributed to people of that age.
- *Disability Discrimination Act 1992* provides protection for everyone in Australia against discrimination based on disability.
- *Racial Discrimination Act 1975* makes racial discrimination unlawful in Australia. The legislation covers all of Australia and can be used to ensure everyone is treated equally, regardless of their race, colour, descent, or national or ethnic origin. The RDA covers discrimination in areas such as employment, renting or buying property, the provision of goods and services, accessing public places and in advertising.
- *Sex Discrimination Act 1984* makes sex discrimination against the law.
- *Human Rights and Equal Opportunity Commission Act 1986* protects against breaches of human rights by the Commonwealth (such as a federal government department) against accepted international standards and discrimination in employment (public and private organisations) on a range of grounds, such as age, religion, sexual preference, political opinion, trade union activity and criminal record.
- *Anti-Discrimination Act (NSW) 1977* makes it unlawful to discriminate on the grounds of sex, pregnancy, race, age, marital status, homosexuality, disability, transgender, carer's responsibility and medical condition.
- *Work Health and Safety Act (NSW) 2011* provides for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

- *St Vincent de Paul Society, NSW-Work Health and Safety Policy 2012*
- *St Vincent de Paul Society, NSW-Dealing with Fraud Policy 2011*
- *St Vincent de Paul Society, NSW-Child Protection Policy 2012*
- *St Vincent de Paul Society, NSW- Workplace Manual 2008*