



# Internal Grievance Policy

Document number: PO2022-041

*Version 2*

## Approval

Policy owner	Executive Director, People, Culture and Strategy		
Approved by	Executive Leadership Team, Board and State Council		
Date approved	ELT: 28.09.2022 Board: 20.10.2022	Review date	29 October 2025

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## Purpose

1. The Society of St Vincent de Paul (NSW) and the company titled the St Vincent de Paul Society NSW (together the Society) are committed to providing a harmonious and productive workplace environment for all Society Personnel (members, volunteers and employees).
2. The Society recognises that grievances and conflicts may occur and that conflict can have an impact on the health and wellbeing of those involved and on the Society's productivity and ability to fulfil its purpose.
3. This policy and the appended procedures provide clear systems for the investigation and resolution of grievances raised by members, volunteers and employees.

## Scope

4. This policy applies to all Society Personnel (members, volunteers and employees).
5. This policy informs all parties of their rights and responsibilities in relation to raising and responding to grievances.
6. This policy applies to the management of grievances about Society Personnel, programs, services or governing bodies (Board, State Council, Central Councils and Regional Councils) by any member, volunteer or employee which are not otherwise covered by the constitution of St Vincent de Paul Society NSW.
7. These grievances may concern member, volunteer and employee conduct or behaviour.
8. In relation to the conduct or behaviour of Society Personnel, this policy applies:
  - at all work sites owned and managed by the Society, including any activities undertaken offsite as part of Society operations, such as home visitations
  - in connection with work, even if it occurs outside normal working hours
  - during work activities, for example when engaging with clients
  - at work-related events, for example at conferences and work-related social functions
  - when Society Personnel are identifiable as a representative of the Society, including when wearing a Vinnies uniform or logo
  - to professional and personal use of all social media channels.
9. In the following situations, where another Society policy is more applicable, this policy does not apply:
  - when a member of the public or a person we assist is the complainant, the Feedback and Complaints Policy will apply
  - if the grievance relates to unacceptable behaviour, workplace bullying, or harassment experienced and/or witnessed by Society Personnel, the Respectful Workplace Policy will apply in addition to this policy
  - if the grievance involves allegations of fraud the Managing Fraud and Dishonest Behaviour Policy will apply
  - to allegations involving misconduct, which will be dealt with under the Counselling and Disciplinary Policy

- if the employee is under formal performance management or a disciplinary process and the grievance relates to this
- if the matter relates to any child protection or safeguarding issue, the Safeguarding Children and Young People Policy will apply
- if the matter involves an eligible whistleblower making a qualified disclosure, it must be managed in accordance with the Whistleblower Policy
- if the matter relates to an industrial relations or a workplace health and safety concern, advice must be obtained from the Employment Relations or Safety and Emergency Management teams.

10. Grievances that **cannot** be investigated pursuant to this policy and procedures include:

- matters relevant to the National Council or Society operations in other States or Territories
- grievances or issues raised by an individual who is not a member, volunteer or employee
- requests for services or support which are not currently provided by the Society
- contractual disputes between the Society and third parties
- policy decisions made by the St Vincent de Paul Society NSW Board or the Trustees of the Society of St Vincent de Paul (NSW) (State Council)
- any industrial relations matters between the Society and unions/staff associations
- a criminal allegation or matters under criminal investigation or currently before a court or tribunal
- reportable conduct investigations, including allegations involving risk of significant harm reported to the Child Protection Helpline (if clearance is provided by the Department of Communities and Justice, a matter may be investigated internally only in accordance with the Society's Safeguarding Children and Young People Policy)
- any grievance that has been raised, investigated and determined previously through the Society's grievance process
- matters outside the control of the Society.

## Related policies and procedures

11. Related Society policies and procedures include:

- Code of Conduct
- Conflict of Interest
- Counselling and Disciplinary Policy
- Delegations of Authority Policy
- Diversity and Inclusion Policy
- Feedback and Complaints Policy
- Health and Safety Policy
- Managing Fraud and Dishonesty Policy
- Managing Underperformance Policy
- Privacy Policy
- Record Management Policy
- Respectful Workplace Policy

- Safeguarding Children and Young People Policy
- Social Media Policy
- Whistleblower Policy.

## Policy principles

12. The Society is committed to creating a harmonious and productive workplace environment for all Society Personnel.
13. The Society values all Society Personnel and is committed to providing an environment in which Society Personnel feel able to raise grievances, and have them heard and acted upon.
14. The Society values constructive working relationships and expects all Society Personnel to adhere to our key values: Commitment, Compassion, Respect, Integrity, Empathy, Advocacy and Courage.
15. As far as possible, and where appropriate, Society Personnel should address any grievance directly with the person/s involved and endeavour to achieve an acceptable resolution without recourse to the formal grievance procedure.
16. It is the Society's expectation that wherever possible and appropriate a workplace grievance will be resolved:
  - informally with the other person/s involved
  - as early as possible
  - in a positive manner.
17. In the spirit of collaboration and teamwork, the intention of involved parties should be to resolve the specific issue(s) where possible, or to determine a way to move forward from the issue(s).
18. Where the complainant or respondent is under 18 years of age, their supervisor/manager must ensure that a parent/guardian or responsible adult is available to support and be present during all discussions while the grievance is being considered.
19. The Society does not tolerate unacceptable behaviours, workplace bullying or harassment under any circumstances (see Respectful Workplace Policy).
20. The Society does not tolerate victimisation or adverse treatment of, or discrimination against, anyone who raises or is involved in a grievance.
21. The Society is committed to a transparent and robust review process. Complainants can access an internal review if the reasons for the review meet the Society's review guidelines.

## Formal internal grievances

22. The Society is committed to providing a transparent internal grievance management system that is accessible, responsive, efficient, fair and integrated into the organisation's culture. Such a system provides accountability and supports the continuous improvement of services, processes and systems.
23. The Society will ensure that all grievances are dealt with promptly, impartially, fairly and confidentially.

## Respectful and fair treatment

24. The Society will:

- take all grievances seriously
- treat all grievances in a fair, objective, unbiased and non-judgmental manner
- treat all grievances on their merits and facts, acknowledging any conflict of interest
- act fairly and transparently and treat both those who make and those who are the subject of grievances with dignity and respect
- respect and protect the privacy and confidentiality of all parties
- ensure that no one is adversely affected because they have raised a grievance or a grievance has been raised on their behalf.

## Accessibility

25. The Society will:

- actively promote opportunities to provide feedback and raise grievances
- ensure that Society Personnel are aware of how to raise a grievance
- provide appropriate support to anyone wanting to raise a grievance
- take steps to ensure that people experiencing particular vulnerabilities (for example, Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, children and young people, and older people) are supported to raise a grievance
- respect the rights of people with disability and take reasonable steps to ensure that all individuals understand and can effectively exercise their right to complain (information should be provided in Easy Read format where possible)
- communicate through a complainant's representative, where reasonably requested in writing.

## Good communication

26. The Society will:

- acknowledge receipt of a grievance
- let the complainant know who will be managing their grievance
- keep the complainant or their representative informed about the status and progress of their grievance, including any delays
- clearly communicate outcomes and decisions.

## Accountability

27. The Society will:

- record, assess and review grievances
- ensure each grievance is handled by trained and skilled staff.

## Timeliness

28. The Society will:

- respond promptly and aim to resolve grievances quickly

- where possible, resolve grievances at the local level at the time the grievance is raised, so that a timely and responsive resolution is achieved
- provide an appropriate and timely remedy for any grievance that is substantiated.

## Transparency

29. The Society will:

- provide the complainant or their representative, and the respondent to the grievance, with a clear explanation of the actions that have been undertaken and why
- provide those raising a grievance with access to the appeals procedure and/or external processes, should they be dissatisfied with the outcome or the grievance process
- record, review and report internal grievance data as part of our commitment to continuous improvement.

## Frivolous or vexatious grievances

30. grievances should be raised in good faith. Any person who is found to have raised a misleading, malicious, frivolous or vexatious grievance, to have raised a grievance other than in good faith, or to have provided false or misleading information during the investigation of a grievance, may be subject to disciplinary action.

## Work to continue

31. Work is expected to continue as normal while a grievance is being addressed under this policy. All persons affected by a grievance are expected to co-operate with the Society to ensure an efficient, fair and prompt resolution.
32. A risk assessment may be undertaken by the manager/supervisor/president at any time during the process of addressing a grievance, as required. Depending on the seriousness of the grievance, a member/volunteer/employee may be directed to stand down (on full pay in the case of an employee) during an investigation/review to ensure that workplace health and safety provisions are maintained, and to avoid compromising internal processes.

## Roles and responsibilities

33. It is the obligation and responsibility of all Society Personnel to:

- treat everyone in the workplace with dignity, respect and courtesy (in accordance with the Code of Conduct)
- respect others including where differences of opinion arise
- not misuse any position in the organisation for personal gain including in respect of any investigation
- behave in a responsible and professional manner, including listening and responding appropriately to the views and concerns of others
- constructively work together to resolve grievances and issues when they arise, including consideration of the other person's perspective
- act promptly when raising or dealing with grievances
- maintain confidentiality.



34. In addition, all managers/supervisors or presidents (Conference, Regional Council and Central Council Presidents) must:

- demonstrate a commitment to resolving grievances
- ensure that Society Personnel within their area of responsibility are regularly educated about their obligations and responsibilities
- facilitate awareness about workplace expectations and procedures for addressing grievances through induction, general information, training and ongoing professional development
- ensure grievance procedures are adhered to and refer grievances as required
- treat all grievances raised in good faith seriously, confidentially, promptly and thoroughly, and fairly investigate any reported allegations, in accordance with the procedures in this Policy
- provide advice on available options at various stages of response to a grievance
- assist with the resolution of the issue at a local level, where appropriate
- follow up and monitor a situation after resolution
- ensure that parties are not victimised
- keep appropriate records
- identify related system or process issues that may require improvement
- inform Regional Director and relevant president, as required
- inform immediate supervisor/manager, Senior People and Culture Partners and/or Work Health and Safety Partners, as required.

35. In addition, Senior People and Culture Partners and Work Health and Safety Partners (WHS Partners) must:

- raise awareness in the workplace about the Society's internal grievance policies and procedures
- treat any grievance seriously
- act promptly to ensure all Society Personnel concerned feel safe in the workplace
- maintain confidentiality of those who report and those who are the subject of a grievance, to the extent possible
- ensure procedural fairness for all relevant parties
- communicate the process, progress and outcomes to all relevant parties
- maintain accurate records
- provide information about available support services and external grievance processes, for example, Employee Assistance Program, and if appropriate, services offered by the union or other employee representative bodies
- conduct formal internal investigations, as required.

36. In addition, the Manager, Employment Relations must:

- advise Executive Director, People, Culture and Strategy of all serious grievances, such as those that require investigation, or are not closed out in a timely manner
- advise the Executive Director, People, Culture and Strategy of legislative, system-related or operational changes required to be reflected in this policy.

37. In addition, the Executive Director, People, Culture and Strategy must:

- engage an external investigator for formal investigation, where required
- keep the Chief Executive Officer, and People and Culture Committee of the Board informed of any significant issues and investigations.

## Review

38. This policy and its implementation will be reviewed every three years, or on a needs basis as required to align with legislative or practice changes.

## Further assistance

39. Employees and volunteers should speak with their manager or supervisor regarding any questions about the implementation of this policy. Members should speak to their Conference President, Regional Council President or Central Council President.
40. Feedback regarding the implementation of this policy can be provided to the Executive Director, People, Culture and Strategy.

## References

Legislation and regulations relevant to this policy include:

- *Age Discrimination Act 2004* (Cth)
- *Anti-Discrimination Act 1977* (NSW)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Community Services Complaints, Reviews & Monitoring Act 1993* (NSW)
- *Crimes Act 1900* (NSW)
- *Crimes (Domestic and Personal Violence) Act 2007* (NSW)
- *Criminal Code Act 1995* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Fair Work Act 2009* (Cth)
- *NSW Child Safe Standards*
- *Privacy Act 1988* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Racial Hatred Act 1995* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Work Health and Safety Act 2011* (NSW)
- *Work Health and Safety Regulation 2017* (NSW)

## Approval and amendment history

Version	Approval authority	Date	Amendment summary
Doc # PO2021-041	Executive Leadership Team	24/11/2020	New policy aligning employee, member and volunteer grievance policies.  Consolidates and replaces – Member and volunteer Grievance Policy, and Internal Grievance Policy – Employees and Volunteers (PO2020-037).
PO2022-041	Executive Leadership Team	28.09.2022	Revision of policy to ensure consistency of approach to employees, volunteers and members.
	Board	20.10.2022	
	State Council	29.10.2022	
	Chief Executive Officer	07.12.2022	Minor revisions to ensure consistent use of the term 'grievance'.
PO2022-041 <i>Version 2</i>	A/Executive Director People, Culture and Strategy	10/05/2023	Links added to downloadable (editable) Internal Grievance form.

## Appendix 1: Definitions

1. Relevant definitions include:

<b>Advocate</b>	An advocate is a person authorised or nominated by the complainant to act on behalf of the complainant
<b>Bullying</b>	Workplace bullying is <i>repeated</i> and <i>unreasonable</i> behaviour directed towards a person or a group of people that <i>creates a risk to health and safety</i> . (WHS Act 2011 and Fair Work Act 2009).  See Respectful Workplace Policy for more details.
<b>Complainant</b>	A complainant is any member, volunteer or employee raising a grievance or making a complaint.
<b>Complaint</b>	An expression of dissatisfaction made to or about another member, volunteer or employee, or about the Society's operations. A complaint may relate to the behaviour or actions of other Society Personnel, decisions, policies, procedures, or the grievance handling process itself, where a response or resolution is explicitly or implicitly expected or legally required.  For complaints made by a member of the public, not working on behalf of the Society in any capacity see the Feedback and Complaints Policy.
<b>Conflict</b>	A situation, disagreement or argument which causes a person to feel that their needs, interests or concerns are under threat.
<b>Discrimination</b>	Discrimination is treating, or proposing to treat, someone unfavourably because they have, or are assumed to have, a particular characteristic protected by law.  Personal characteristics or attributes protected under federal and state law include: race, colour, sex, religion, political opinion, descent, ethnic or ethno-religious or national origin, social origin, age, medical record, criminal record, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family or carer responsibilities, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, gender identity, transgender or intersex status, trade union membership or activity, or association with someone who has, or is assumed to have, one of these characteristics.  See Diversity and Inclusion Policy for more details.
<b>Employee</b>	For the purpose of this policy, an employee is a paid member of staff unless otherwise specified. This includes full time, part time, fixed term or casual staff, contractors providing services to the Society.
<b>Fraud</b>	For the purposes of this policy, allegations of fraudulent or dishonest behaviour are not a grievance. Allegations of this nature are to be referred for action to

	the appropriate area in accordance with the Managing Fraud and Dishonest Behaviour Policy.
<b>Grievance</b>	An expression of dissatisfaction made to or about another member, volunteer or employee, or about the Society's operations. A grievance may relate to the behaviour or actions of other Society Personnel, decisions, policies, procedures, or the grievance handling process itself, where a response or resolution is explicitly or implicitly expected or legally required.
<b>Harassment</b>	Workplace harassment is any behaviour that: <ul style="list-style-type: none"> <li>• is unwelcome and unsolicited</li> <li>• the person considers to be offensive, intimidating, humiliating or threatening, and</li> <li>• a reasonable person would consider to be offensive, humiliating, intimidating or threatening.</li> </ul> See Respectful Workplace Policy for more details.
<b>Investigator</b>	An Investigator is an employee of the Society who has received formal investigation training, or a third party engaged externally by the Society, who is tasked with undertaking an investigation in relation to this policy.
<b>Member</b>	The term member includes Conference, Associate and Volunteer members as per The Rule, 7th Edition 2012, Australia.
<b>Parties</b>	Parties means the complainant(s) and the respondent(s).
<b>Performance management</b>	Performance management is a formal process of communication between a supervisor and an employee that occurs throughout the year, in support of accomplishing the strategic objectives of the organisation. The communication process includes clarifying expectations, setting objectives, identifying goals and development opportunities, providing feedback, and reviewing results.
<b>Protected attributes</b>	Protected attributes are those aspects that are protected by federal and state discrimination legislation. In other words, the grounds of discrimination that are prohibited. These include: race, colour, sex, religion, political opinion, descent, ethnic or ethno-religious or national origin, social origin, age, medical record, criminal record, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family or carer responsibilities, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, gender identity, transgender or intersex status, trade union membership or activity, or association with someone who has, or is assumed to have, one of these characteristics.
<b>Reasonable management</b>	Workplace bullying does not include reasonable management action carried out in a reasonable manner. ( <i>WHS Act 2011</i> and <i>Fair Work Act 2009</i> ) Reasonable management action may include: <ul style="list-style-type: none"> <li>• directing a worker to perform duties in keeping with their job</li> <li>• maintaining reasonable workplace goals and standards</li> </ul>

	<ul style="list-style-type: none"> <li>• setting realistic and achievable performance goals, standards and deadlines</li> <li>• fair and appropriate rostering and allocation of working hours</li> <li>• transferring someone to another area or role for operational reasons</li> <li>• not selecting someone for a promotion, where the selection process was fair and transparent</li> <li>• informing a worker about unsatisfactory work performance or inappropriate work behaviour in a fair and constructive way</li> <li>• performance management processes</li> <li>• remedial action, including suspension or termination, where appropriate and justified.</li> </ul> <p>A manager is entitled to carry out actions and give directions that are consistent with managing the workplace. However, any reasonable management actions must not only be reasonable but must also be conducted in a reasonable manner. If not, the behaviour may be considered to be bullying.</p>
<b>Repeated behaviour</b>	Repeated behaviour refers to the persistent nature of the behaviour and may involve a range of behaviours over time.
<b>Respondent</b>	The respondent is the person or people against whom the grievance has been made.
<b>Sexual harassment</b>	Sexual harassment is a specific form of harassment. It is unwelcome behaviour of a sexual nature, which could be expected to offend, humiliate or intimidate a person. Sexual harassment may be physical, verbal or written.  See Respectful Workplace Policy for more details.
<b>Society Personnel</b>	The Society people to whom this policy applies, including members, volunteers, employees, office holders and Directors.
<b>Unacceptable behaviour</b>	Unacceptable behaviours at work include bullying, harassment, discrimination and vilification.  Unacceptable behaviour may involve unlawful discrimination or harassment (e.g. sexual harassment), however, discrimination or harassment by itself does not necessarily constitute workplace bullying.
<b>Vexatious</b>	Any action that is brought without sufficient grounds, and in order to cause annoyance or harm.
<b>Victimisation</b>	Victimisation is subjecting or threatening to subject someone to detrimental treatment because they have asserted their rights under equal opportunity law, raised a grievance, assisted someone else to raise a grievance, or refused to do something because it would be discrimination, harassment or victimisation of another person.
<b>Volunteer</b>	A volunteer is any person who performs unpaid work for the Society.

<b>Work</b>	Work is defined as any activity undertaken as part of Society operations by any member, volunteer or employee. It includes remote work, attendance at work-related conferences or functions, and attendance at client or other work-related events, including retreats and social events.
<b>Workplace (also 'at work')</b>	<p>Workplace applies to all sites owned and managed by the Society, including any activities undertaken offsite as part of Society operations, such as home visitations.</p> <p>This definition applies equally to the activities undertaken as part of Society operations by members, volunteers and employees.</p>
<b>Workplace disagreement</b>	<p>Workplace conflicts include differences of opinion and disagreements, which do not generally constitute workplace bullying or harassment.</p> <p>People can have respectful differences of opinion and disagreements without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, it may escalate to the point where it becomes bullying or harassment.</p>

## Appendix 2: Internal Grievance Procedure

1. The Society takes all grievances seriously and takes prompt action to facilitate a resolution.
2. When responding to grievances, Society Personnel must act in accordance with this Internal Grievance Procedure.

### Procedural fairness

3. All allegations will be treated in accordance with the principles of procedural fairness. In summary this means:
  - a decision-maker must be impartial and free from actual or perceived bias
  - a person who may be affected by a proposed decision must receive a fair hearing, including the opportunity to respond to any adverse material that could influence the decision
  - findings must be based on evidence that is relevant to the matter.
4. The Society does not tolerate any victimisation of a person making a report or assisting in resolving it.

### Confidentiality

5. The Society must ensure that all grievances are treated in the strictest of confidence and in accordance with the Society's Privacy Policy. Only those people directly involved in the grievance or in resolving it should have access to the information.

### Reporting grievances

6. All Society Personnel have a responsibility to report grievances.
7. As far as possible, and where appropriate, Society Personnel should address any grievance directly with the person/s involved with a view to resolving the issue. The person raising a grievance should identify the matter of concern, explain their concern and where possible and if appropriate suggest a solution.
8. If the grievance continues, or the Society employee or volunteer feels unable to speak to the person(s) involved directly, they should discuss the issue with their supervisor or manager. If the supervisor or manager is involved in the area of concern, the Society employee or volunteer should discuss the issue with their supervisor/manager's manager.
9. If the Society employee or volunteer does not feel comfortable to raise the issue with their supervisor or manager, they should contact their Senior People and Culture Partner.
10. If a member feels unable to speak to the person(s) involved directly, they should raise the matter with:
  - their Conference President, in the first instance
  - their Regional Council President, if the matter is not resolved in the first instance or involves a Conference President
  - their Central Council President, if the matter is not resolved with the Regional Council President or the matter involves a Regional Council President



- the State Council President, if the matter is not resolved with the Central Council President or the matter involves a Central Council President or a State Council Vice President
  - the National President, if the matter involves the State Council President
11. If a Conference President receives a complaint of unacceptable behaviour, workplace bullying or harassment they must immediately notify their Regional Council President.
  12. Irrespective of the role/position of the member raising the issue, the Chief Executive Office and the Executive Director, Membership, Volunteers and Regional Operations must be notified if the matter relates to the behaviour or actions of:
    - the State Council President
    - any member of State Council.

### Advice and support

13. Society Personnel may seek advice on how to work through a grievance from their manager/supervisor/president or the Senior People and Culture Business Partner.
14. Where a grievance is raised, the person who is the subject of the grievance may have a support person, particularly where the issues are serious and/or have serious potential consequences. Any person supporting Society Personnel in these circumstances may provide personal, not professional, support and may not speak for the person who is the subject of the grievance.
15. A support person role may be filled by a trusted colleague, supervisor, union representative, family member or friend. Any individual acting as a support person must treat all information about the matter in the strictest of confidence and in accordance with the Society's Privacy Policy.
16. A person must not perform the role of a support person where there is an actual, potential or perceived conflict of interest. An example of where a conflict of interest may exist is where the support person was a witness to an incident related to the grievance. See the Conflict of Interest Policy for guidance.
17. The Employee Assistance Program (EAP) is a confidential counselling service available to all members, volunteers and employees. This service may be contacted using the phone number 1800 818 728. Support may also be sought from the Mission and Spirituality Pastoral Care Team.

## Receiving grievances

### Raising a grievance

18. At any stage Society Personnel may raise a formal grievance (See Attachment A).
19. All formal grievances must be submitted in writing. A formal grievance may be raised verbally with a Senior People and Culture Partner, who will make notes and send to the complainant for their confirmation (Attachment A).

## Two-stage assessment process

20. The Society adopts a two-stage process for responding to formal grievances: initial assessment and formal investigation.
21. Acknowledging the Society's duty of care to all parties, the Society will ensure a fair and evidence-based resolution on a case-by-case basis.
22. If the grievance is against the State Council President or Vice President, Central Council President, or Regional Council President, the matter must be immediately referred to the Grievance Resolution Committee of the State Council. The Grievance Resolution Committee is to conduct the initial assessment and determine further action in accordance with these procedures.

## Initial assessment by supervisor/manager or president

23. The responsible supervisor/manager for the purposes of conducting the initial assessment of the grievance means:
  - in the case of a member, the relevant president (Regional Council, Central Council or State Council President)
  - in the case of an employee, the person to whom the employee reports directly or a more senior line manager
  - in the case of a grievance concerning a member of the Executive, the Chief Executive Officer
  - in the case of a grievance concerning the Chief Executive Officer, the Chair of the Board.
24. The initial assessment conducted by the supervisor/manager or president should consider whether the matter raised should be handled under another internal process
25. If appropriate, the responsible supervisor/manager or president will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
26. If the supervisor/manager or president requires advice or feels they are not impartial or not able to undertake an initial assessment, they should refer the matter to the relevant Senior People and Culture Partner or Regional Director (in the case of grievances regarding members).
27. Initial assessment of serious grievances should be discussed with the relevant Senior People and Culture Partner at the earliest opportunity to consider whether specialist expertise is required in the conduct of that assessment. There may be circumstances where it is appropriate for an initial assessment to be undertaken by an independent third party investigator following discussion with the supervisor/manager.
28. When conducting an initial assessment, the relevant supervisor/manager or president must:
  - inform the complainant:
    - that all grievances are taken seriously
    - about the initial assessment and formal investigation procedures
    - that vexatious or frivolous grievances or grievances which are not raised in good faith may result in disciplinary action

- ensure that the terms of the grievance are clear, and if not, clarify the particulars of the grievance
- identify key concerns raised by complainant and the complainant's desired outcome
- determine if the grievance falls within the scope of this policy or another policy
- determine if the grievance includes an allegation of crime, risk of significant harm or misconduct and if so, apply the relevant policy
- determine if the grievance requires escalation
- ensure that all parties are:
  - provided with relevant information regarding the grievance
  - provided with sufficient time to prepare for any investigative meetings
  - given an opportunity to present their case
  - permitted to bring a support person to any meetings about the matter.

### *Escalation*

29. If the grievance involves violence, the threat of violence or other serious criminal activity it may require reporting to Police and must be immediately escalated to the relevant Executive Director, or the Chief Executive Officer, who have the responsibility for referring such matters to the Police.
30. If the grievance involves or may involve a child protection or safeguarding matter it must be referred to the Safeguarding team in accordance with the Society's Safeguarding Children Policy.

### *Initial assessment resolution*

31. The outcome of an initial assessment may include, but is not limited to, a recommendation for mediation, a formal caution, and/or a recommendation for a formal investigation.
32. In relation to employees and volunteers, if following the initial assessment, the matter is determined to be reasonable management, the supervisor/manager will inform the complainant of this finding and also inform the complainant that a review of the decision can occur under the terms of the Review section below.
33. The supervisor/manager or president will close the matter and inform the relevant parties if:
  - further clarification requested has not been provided and therefore the initial assessment cannot be reasonably concluded, or
  - the grievance is determined to be vexatious or frivolous in nature or otherwise determined as not having been raised in good faith.
34. Where a grievance is closed, the supervisor/manager must keep a record of the reasons for this decision and provide a copy to the relevant Senior People and Culture Partner.
35. If the complainant is not satisfied with the outcome of the initial assessment, they may request (in writing) a review by referring the matter to:
  - in the case of members, their Central Council President
  - in the case of employees or volunteers, the Manager, Employment Relations.

## Formal investigation

36. Following initial assessment, the responsible manager/supervisor or president will make a recommendation on how to proceed which may include referral for further investigation.
37. Any formal investigation should only be undertaken following consultation with the Executive Director, People, Culture and Strategy (and in the case of members, the State Council President and the Executive Director, Membership, Volunteers and Regional Operations), who may seek legal advice from the Director, Legal as appropriate given the nature of the matter.
38. Where it is determined that an independent investigator should be appointed, the Executive Director, People, Culture and Strategy will assign an investigator who has received formal investigation training.
39. If the allegation is serious, or involves significant reputational risk for the organisation, an investigation may need to be undertaken by an external investigator.
40. Where grievances involve a Central Council President, State Council President or the Chief Executive Officer, and a formal investigation is recommended following an initial assessment, an external investigator must be appointed.
41. The investigator must:
  - seek clarification from the complainant where necessary
  - seek clarification from the respondent where necessary
  - obtain all relevant information, including, but not limited to, email correspondence, file notes, CCTV footage and interviews with witnesses and relevant Society Personnel.
42. The investigator must determine:
  - what facts are, and are not, in dispute between the parties
  - the relevance, reliability and consistency of the collected information
  - whether Society Personnel have followed the Internal Grievance Policy and Procedures
  - whether any systemic performance or management issues have been identified.
43. The Society will advise the investigator that they should seek to resolve grievances within a reasonable timeframe from the date the investigator receives the grievance.

## Grievance resolution

44. Following the investigation, the investigator will provide a confidential report to the relevant supervisor/manager and the Executive Director, People, Culture and Strategy (and in the case of members, the relevant president and the Executive Director, Membership, Volunteers and Regional Operations).
45. The relevant supervisor/manager will determine next steps in consultation with the Executive Director, People, Culture and Strategy (and in the case of members, the relevant president and the Executive Director, Membership, Volunteers and Regional Operations), which may include, but are not limited to:
  - a verbal or written apology
  - one or more parties participating in performance counselling/management or training

- a formal verbal or written warning
- transfer, demotion, suspension or termination
- referral to a more senior manager for further consideration.

## Scope for further review of the grievance

46. If a complainant remains dissatisfied following the Society's response, they may seek a review of the decision on the following grounds:
  - if the response failed to address a ground of the grievance
  - if the response failed to take into account material facts raised or evidence provided by the complainant
  - if the response took into account irrelevant facts or evidence.
47. The Executive Director, People, Culture and Strategy will determine whether there are grounds for review under this policy.
48. If a review is performed, the review must be conducted by a person who is independent of the original investigation or decision-making regarding the outcome, or is senior to the original decision-maker.
49. A complainant must request a review of a decision within 25 working days of receiving the Society's advice regarding the investigation outcome(s).
50. If a complainant seeks a review of a decision, the reviewer will consider:
  - the request for review
  - the investigation report and the original decision
  - the material before the original decision-maker.
51. The possible outcomes from a review are:
  - referral of the grievance for further investigation
  - confirmation of the original decision.
52. The reviewer must advise the complainant of the review outcome within a reasonable timeframe and where appropriate, provide information on further avenues of redress.

## External review options

53. At any time Society Personnel may raise the matter with an external review body such as:
  - Fair Work Commission
    - <https://www.fwc.gov.au/>
    - Email: [sydney@fwc.gov.au](mailto:sydney@fwc.gov.au)
    - Phone: 1300 799 675
  - SafeWork NSW
    - <https://www.safework.nsw.gov.au/>
    - Email: [contact@safework.nsw.gov.au](mailto:contact@safework.nsw.gov.au)
    - Phone: 13 10 50
  - Australian Human Rights Commission
    - <https://www.humanrights.gov.au/>
    - Email: [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)

- Phone: 1300 656 419 or 02 9284 9888
- Anti-Discrimination Board of NSW
  - <https://www.antidiscrimination.justice.nsw.gov.au/>
  - Email: [complaintsadb@justice.nsw.gov.au](mailto:complaintsadb@justice.nsw.gov.au)
  - Phone: 02 9268 5544 or free call: 1800 670 812

## Record keeping

54. Quality record keeping assists in identifying patterns of behaviour or continuing problems.
55. Adequate records are essential. Any formal action must be well documented.
56. Records include the grievance, the acknowledgement letter, any notes taken, the investigation report and the resolution letter. File notes of all conversations must be made and retained.
57. Records of grievances must be kept for a minimum of 7 years in accordance with the Society's Records Management Policy.

## Continuous improvement and preventative action

58. Investigations of grievances may indicate that improvement in current practices, procedures, capabilities and training is required. The Employment Relations team must ensure that systemic issues identified are forwarded to the relevant Executive Director to address.
59. Executive Directors are responsible for reviewing the investigator's report and advising the Executive Director, People Culture and Strategy whether they will implement the recommendations, and if not, provide reasons for why.
60. The Executive Director, People Culture and Strategy will submit quarterly reports to the People and Culture Committee detailing the number and type of grievances received and information about their resolution, including information (if any) that they have received from Executive Directors regarding any process improvements, preventive action taken or challenges to implementation.



## Attachment A: Internal Grievance Form

An editable version of this form can be downloaded from:

- [the MAVS portal at this link](#)
- [the Staff Portal at this link](#)

Name of the Complainant:

Phone Number:

Email:

Today's Date:

Team/Directorate, Conference/Central Council:

Name of offending party/s:

Team/Directorate, Conference/Central Council:

Relationship of the offending party/s to the Complainant (manager, co-worker, client, etc.):

Phone Number:

Email:

**Date of Incident:**

*(If more than one event, please provide details of all incidents separately.)*

**Where did the specific event occur?**

**Please describe the event that occurred.**

**How did you react to the situation? Did you take any action to address the situation?**

**Describe any harm you have suffered as a result of the event.**

**Were there any witnesses to this specific event? (If yes, please provide their names.)**

**Is there any physical evidence that supports your grievance? If so, please describe or attach copy of evidence.**

**What is your desired outcome of the investigation?**

The information provided in this grievance is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my grievance and provide whatever evidence the Society deems relevant.

Signature:

Date:

*Members please return this form to your relevant President and/or your Regional Director.*

*Volunteers please return this form to your Supervisor/Manager or their Manager, as required.*

*Employees please return this form to the relevant manager or People and Culture Partner.*

*This form may also be used for the purpose of taking notes of a grievance that is reported to a President, Regional Director, or Manager.*

Did someone help you complete this form? If so, please provide details.

Name:

Phone Number:



Email:

Relationship to Complainant:

Team/Directorate, Conference/Central Council (if relevant):

## Attachment B: Internal Grievance Workflow

