

HR4.4 Grievances Resolution

Purpose

1. To provide SAVVY with a framework to raise and resolve grievances and disputes.
2. To ensure SAVVY adopts a continual improvement method of operating.
3. To enable a productive, safe, secure and satisfying workplace.

Alignment with Practice Standards

1. Module 2: Provider Governance and Operational Management

Legislative Alignment

1. Fair Work Act 2009
2. Work, Health and Safety Act 2011
3. Workers Compensation Act 1987
4. Privacy Act 1988 (Cth)
5. Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
6. Australian Human Rights Commission Act 1986
7. Disability Discrimination Act 1992
8. Sex Discrimination Act 1984
9. Race Discrimination Act 1975
10. Age Discrimination Act 2004
11. Anti-Discrimination Act 1977 (NSW)

Key Responsible Executive

Chief Executive Officer
Head of Human Resources

For More Support

People and Culture
Your People Manager

Policy Statement

1. At SAVVY we recognise relationships, particularly with staff, are fundamental to achieving quality outcomes for participants, their families, and the broader community.
2. It is therefore imperative that SAVVY provide a framework for staff identifying, managing, and resolving workplace disputes and grievances.
3. These procedures are used when there is an issue, concern or complaint about work or the work environment which is not able to be resolved with less formal processes. Grievances may occur over:
 - a. conditions of employment
 - b. policies, procedures, and/or decision making
 - c. the work environment
 - d. discrimination, bullying or harassment
4. SAVVY will resolve any work-related grievances as effectively and fairly as possible; ensuring compliance with best practice, legislative, natural justice and procedural fairness. Including the following:
 - a. It is expected that all parties approach resolution proceedings with the intention of resolving the grievance cooperatively and in good faith.
 - b. All parties are informed of the procedures that are followed and have access to relevant policies and guidelines.
 - c. All grievances are treated with the utmost confidentiality. Only those involved in the process have access to information. It is important the complainant also maintains confidentiality, in order to avoid idle gossip and the possibility of defamation proceedings. Information regarding a grievance is kept on a separate confidential file and no information is recorded on individual files unless disciplinary action is to be taken.
 - d. The grievance process is impartial. All sides have equal opportunity to tell their stories. No assumptions are made, or action taken until all relevant information has been collected and considered.
 - e. Those involved in a grievance have the right to have the support of another person throughout the process. Confidentiality also applies to any support person.
 - f. Take all necessary steps to make sure that the people involved in a grievance are not victimised.
 - g. Resolve all grievances with the minimum of disruption and at the lowest possible level unless they are serious, unlawful or it is impractical.

Procedures

1. Lodging a Grievance:
 - a. Talk with the person causing the problem: While not appropriate in some cases, some issues may be settled by direct communication between the parties involved.
 - i. The person seen to be causing the problem should be told that their behaviour, decision or actions are considered to be unfair, offensive or discriminatory and the reasons for this opinion.
 - ii. This provides an opportunity for the person to redress the situation, particularly if he/she has been unaware of the effect on others.

- v. Consider if training in particular policies and/or procedures may be appropriate.
 - vi. Consider the need for implementing changes to work practices.
 - vii. Monitors development on an ongoing basis.
 - viii. Decide if the grievance has been proven one way or the other.
- c. When the grievance involves an allegation of a more serious nature the Investigator makes a determination on the 'balance of probability' whether the unjust action/inaction, discrimination or harassment happened.
- d. If required, a recommendation for decision may be made to the Chief Executive Officer (CEO), including any recommendation as to how the complaint should be resolved.
- e. Disciplinary measures may be taken against one or more personnel and may involve the person complained about or the complainant depending on whether the action occurred. The type of discipline will depend on the seriousness of the situation. Discipline could range from a verbal apology for a less serious incident, through to dismissal for a very serious incident or series of incidents. Discipline is imposed in a fair and consistent manner across the organisation.
6. Finalising the Formal Grievance Process:
- a. Joint Agreement of Outcome: When the formal grievance involves an allegation of a minor nature and the facts are not in dispute the Investigator assists both parties involved to come to a joint agreement about how the grievance can be resolved.
 - b. The Investigator writes a confidential Grievance Resolution Report; this report is held on a Confidential File in the name of the person who is the subject of the grievance and if appropriate a copy is stored on a Confidential File in the name of the person who originally lodged the grievance.
7. Insufficient Evidence: When the grievance involves an allegation of a minor nature, the main facts are in dispute and there is insufficient evidence to decide whether the alleged actions occurred. The employee is given an explanation as to why the grievance could not be substantiated. In this situation no disciplinary action is taken. Due care and diligence by SAVVY will occur to monitor the situation.
8. Maliciously False Accusation: If the complaint is found to have been fabricated, appropriate disciplinary action may be taken.
- a. Disciplinary Action: If personnel have breached a policy or procedure that person may be disciplined. The level of discipline will depend on such things as: the seriousness of the breach; whether the person knew what they were doing and whether the action was intentional; whether there had been previous warnings or disciplinary action in relation to this type of breach; and/or whether there are any special circumstances involved.
 - b. Discipline may involve one or more of the following:
 - i. A written apology;
 - ii. Counselling;
 - iii. An official warning;
 - iv. Loss of promotion rights or wage/salary increases for a specified period;
 - v. Dismissal
 - c. The Head of Human Resources determines the type of disciplinary action and ensures that the confidential report includes the disciplinary action taken.
9. Right to Appeal: All personnel have the right to appeal a decision. The CEO generally re-hears the grievance by going through the same steps as the person who handled the original grievance. The CEO may decide to interview more or different witnesses.
- a. The original decision may be confirmed or overturned.
 - b. If the CEO believes the Investigator mishandled the grievance in a way that breaches this Grievance Resolution Policy disciplinary action may be taken against the Investigator.

- c. The CEO may decide to appoint another Investigator to handle an appeal. In this case a recommendation to confirm or overturn the original decision will be made to the CEO for finalisation.

References to other SAVVY policies and external sources

1. HR1.8 Equal Employment Opportunity and Discrimination
2. HR4.3 Bullying and Harassment

Summary of attachments

1. Nil

Version Control

1. 1 April 2023 - New Policy Creation
2. 18 August 2023 - Update of responsibilities and Outcome procedures