

# Grievance policy & procedure

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## 1. Purpose

CTC is committed to a safe and healthy workplace. The purpose of this policy is to support this commitment and to outline and provide organisation guidelines to employees (including labour hire), contractors and volunteers who may experience a grievance, and who wishes to submit a formal complaint.

## 2. Scope

This policy applies to all employees (internal staff, labour hire staff as well as apprentices & trainees employed through CTC) across all employment practices (full-time, part-time, fixed term, casual) and non-employees (volunteers, contractors, participants and students).

## 3. Policy Statement

CTC is committed to providing a fair, safe and productive work environment where grievances are dealt with sensitively and expeditiously. An essential part of developing that environment is ensuring that employees are encouraged to come forward with their grievances in the knowledge that the organisation will take appropriate action to address those grievances.

## 4. Procedure

### 4.1 Informal Process

Should an employee, contractor, volunteer, participant or student have a grievance, they should try and resolve the grievance themselves with the person they feel have grieved them. This may be verbal and informal, every effort should be made to resolve the grievance before it is formalised.

This may include:

- Speaking with the person or persons that may have grieved you and resolve the issue.
- Speaking with your manager to assist with the grievance to endeavor to resolve the issue.
- Speaking to the People and Performance team/Manager (IntoWork) to assist with the grievance to endeavor to resolve the issue.
- Raising the issue through the Department's complaints process.

If the matter cannot be resolved in this manner, then the formal complaint process may need to be applied. The employee, contractor, volunteer, participant or student can consult with their Direct Manager and/or People and Performance to commence the compliant process.

### 4.2 Formal Process

To commence the formal process, the employee, contractor, volunteer, participant or student should outline their grievance in writing, with as much detail as possible. This should be sent to either their Direct Manager and/or directly to the General Manager (CTC).

Once the completed Complaint is submitted the Manager (or other relevant party) will acknowledge and receipt the complaint and proceed with the Compliant and Investigation Process.

The Respondent will be given details of the complaint and the opportunity to respond within a reasonable time frame. The Manager may have a discussion with both parties in an effort to genuinely resolve the complaint at workplace level.

Where required, the General Manager or People and Performance Manager or an appointed external investigator will commence an investigation, all parties will be notified. The investigation will be completed in a timely manner (no more than 14 working days after the complaint has been submitted and receipted by the Manager. All nominated employees, contractors, volunteers, participants or students are expected to participate and make themselves available for the investigation processes. Witnesses may be identified in the strictest confidence.

On completion of the investigation finding, all parties involved will be informed of the outcome (if appropriate) and the prescribed actions and recommendations. Actions and recommendations may include, but are not restricted to:

- The complainant gaining a better understanding of the situation and no longer being aggrieved.
- The complainant receiving a verbal or written apology.
- Training and performance alignment.
- Mediation.
- Employee Assistance Program, one or both parties agreeing to participate in some form of counselling.
- Disciplinary action where CTC Policy documents were found to have been breached, and/or where misconduct/serious misconduct or unsatisfactory performance has occurred.
- Termination of employment.

Once the complaint is resolved, if deemed necessary by CTC, a review may be undertaken by the General Manager or People and Performance team/Manager with all parties involved at any stage thereafter. The employee, contractor, volunteer, participant or student will be required to sign-off on the Complaint Form to ensure satisfaction with the process and outcome. If the complainant is not satisfied with the outcome, the General Manager and/or People and Performance Manager will determine the next course of action.

At any time from lodgement of a complaint, CTC can acquire an external investigator to investigate the complaint if it deems appropriate.

During the course of the complaint process, the complainant and respondent are entitled to have a support person present.

These grievance and complaint guidelines do not apply where an employee has a grievance or complaint relating to the termination of their employment or if CTC has implemented or it is reasonably anticipated the commencement of disciplinary procedure against an employee.

#### 4.2.1 Appeals/Lodging an Internal Appeal

If either the Complainant or Respondent is dissatisfied with a decision made by CTC, they have five (5) working days from the date nominated in the written notification of close of complaint, to lodge an Internal Appeal to have the complaint reviewed. Appeals should be lodged in writing to the People and Performance Manager and/or CEO (IntoWork). The appeal needs to be based on new information or information that was not initially considered.

The appealing employee will be advised in writing of this decision and the reasons for it. If the decision is for a Case Review Panel to review the appeal, the employee will be informed of the membership of that panel, and the procedure to be followed, at least fourteen (14) working days in advance of the review date.

The Case Review Panel will consist of the CEO (IntoWork), nominated Board member, People and Performance Manager, an Executive Manager (IntoWork), and an external party. The Case Review Panel may change depending the circumstances of the complaint (external panel may be acquired).

The appealing employee may attend and be accompanied by a support person. If the complaint involves another employee(s), they will also be invited to present their case to the panel. A written record of the meeting will be taken.

The appealing employee will be notified of the decision of the Case Review Panel in writing within five (5) working days of the decision. If the appeal is upheld the employee will be informed of the action to be taken to resolve the matter. The organisation will immediately implement any decision and/or action required.

If the appeal is not upheld, the employee will be given a written explanation including the reasons for that decision.

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under the Fair Work Act.

It is imperative that all information regarding grievances be kept confidential for the following reasons:

- The complainant and the respondent have a right for all information pertaining to the complaint to remain strictly confidential.
- The possibility of defamation suits against individuals.
- The prevention of victimisation of the parties involved.
- The prompt, successful resolution of the grievance.

In the event that confidentiality is breached, the matter will be referred to the General Manager and/or People & Performance and appropriate disciplinary action taken. Confidentiality under this policy may be overridden by legal obligations requiring disclosure.

Employees found guilty of making false or malicious claims will be reprimanded which may lead to termination of employment.

It is the responsibility of each employee, or those mentioned within the policy scope, to ensure that they are aware of changes and updates to policies. All employees must ensure that they have the most current version of a policy. Please refer to the electronic policy for the most current version.

## 5. Principles

1. All employees, contractors, volunteers, participants and students have a right to work in a safe and healthy workplace.
2. All employees, contractors, volunteers participants and students are encouraged to discuss concerns regarding workplace matters and to seek resolution in accordance with this policy.
3. All employees are entitled to prompt consideration and efficient resolution of any grievance, complaint and appeal.
4. CTC is committed to resolving all grievances and complaints through discussion and conciliation where possible and through fair and equitable processes and procedures when required.
5. The individual's right to natural justice is to be upheld at all times.

## 6. RESPONSIBILITIES

### 6.1 Compliance with this policy

All people referred to in the scope are required to comply with this policy. If this policy is not complied with, disciplinary action may be taken. For further information refer to the Disciplinary Policy.

## 7. DEFINITIONS

**Complainant:** the employee, contractor, volunteer, participant or student that have experienced the grievance or submitted a compliant.

**Complaint:** a cause of discontent that is experienced by a grievance (within the context of this policy the compliant is the submission of the grievance).

**Grievance:** any issue or concern relating to the work place, where the issue or concern is preventing people from performing their work related tasks and cause discomfort.

**Natural Justice:** is the idea of fairness in the processes that resolve disputes and allocate resources.

**Respondent:** the employee, contractor, volunteer, participant or student that the grievance or compliant is directed towards.