

ATTACHMENT 1 - PROCEDURE TO HANDLE EMPLOYEE GRIEVANCE RELATED TO BREACH OF THE BULLYING, DISCRIMINATION AND HARASSMENT POLICY

Raleigh St Community Children's Centre (Raleigh St) encourages all employees to raise complaints or grievances they may have about any matter in relation to their employment in a timely manner and seek resolution.

Raleigh St is committed to:

- providing an environment of mutual respect and open communication with and between employees, where the expression of opinion is encouraged
- complying with all employment related legislation and terms and conditions of the relevant enterprise agreements
- dealing with disputes, complaints, and grievances between employees, and between employees and the employer with equity following procedural fairness
- establishing and implementing mechanisms to ensure prompt, efficient, and satisfactory resolution of complaints and grievances
- maintaining confidentiality at all times

Principles

The following principles apply to the procedures that will be followed in implementing this policy:

- fairness and objectivity in conducting the process
- treating both parties to the complaint with respect
- no retribution against either party – whether stated or implied
- respect for each other and the process
- openness to considering alternative views and opinions
- full participation by all parties
- regular communication on progress during the process, and information verbally and in writing on outcomes and reasons at the conclusion of the process
- access to support through a support person, who can be present throughout the process, but not act as an advocate for either party

Procedures for the resolution of employment-related complaints or grievances

a) Informal approaches

Employees who have a complaint or grievance in relation to their employment, including bullying, harassment, discrimination, or inappropriate behaviour are encouraged to take firm and positive action. Informal processes often resolve minor issues with minimal conflict between the parties involved and can result in an apology, agreement or other steps to

resolve the issue.

In the first instance, they are encouraged to make the person or persons engaging in such behaviour aware that their actions are unwelcome, offensive, or intimidating. If the behaviour continues or the aggrieved employee feels unable to confront the person engaging in the behaviour directly, the employee may choose to take a more formal approach to resolving the matter.

b) Formal complaint

If the matter is not or cannot be resolved through informal approaches as described above, the aggrieved employee may choose to lodge a formal complaint in writing to the Director setting out the nature and details of the complaint, as well as any suggestions they may have to resolve the complaint.

The Director shall take necessary steps to resolve the complaint, taking care to:

- comply with the principles of procedural fairness¹
- not to discriminate against or victimise the complainant or the person(s) against whom the complaint is made
- ensure that any health and safety issues are addressed immediately, and the complainant is not subject to further harassment as a result of making the complaint
- inform both parties of their rights and responsibilities
- treat all matters relating to this complaint confidentially
- avoid any actual or perceived conflicts of interest and forwarding the complaint to the Committee of Management (CoM) for resolution.

A nominated representative of the parties is entitled to attend any discussions conducted by the Director or CoM to resolve the complaint. The role of this representative is to provide support to the employees and not to act as their advocate in the process.

If the grievance is still unresolved after this stage, a meeting of all parties may be arranged at the request of any party to resolve the complaint. This meeting can be attended by the Staff Liaison at the invitation of either party.

Timelines:

The steps described in this section shall as far as is reasonably practicable, be fulfilled within seven business days from the date the full details of the complaint are notified to the Director. If resolution is not possible within seven business days, the period may be extended to a maximum of 14 business days, or such longer period as the parties may agree. The

¹ Procedural fairness involves informing the person against whom the complaint is made the substance of the complaint, providing them with a reasonable opportunity to respond to the allegations.

parties may not unreasonably withhold such agreement for an extension.

c) Mediation

If the complaint is unresolved after undertaking the process described above, the parties may agree to mediation by an impartial third party to help them achieve resolution of the complaint.

Mediation is an entirely voluntary process that both parties agree to participate in and can choose to avoid this step and go directly to a more formal investigation process described next.

If the parties agree to voluntary mediation, the role of the mediator is to help the parties identify the issues that need to be addressed and facilitate resolution of the matter, through a process of open communication and facilitation of discussion. All information provided to and shared during the mediation process shall be kept confidential by the mediator, who will only provide Raleigh St with the terms of the agreement reached between the parties, and the steps that need be followed by the CoM or their representative (e.g., the Director) to implement the agreement.

Given its voluntary nature, either party may terminate the mediation process at any time and elect to have the matter investigated as described below.

d) Investigation

If it is not possible to resolve the grievance through mediation, Raleigh St will engage a suitably qualified and experienced independent third party to investigate the complaint/grievance.

The investigator will consider all documents and evidence presented to them relating to the complaint by both parties, interview witnesses if any who can provide more information in relation to the matter under consideration. All information provided to the investigator and all matters discussed during the investigation process shall remain confidential. The investigator will present their final report and recommendations to resolve the complaint following the conclusion of the investigation.

If satisfied, both parties may sign an agreement to abide by the recommendations made by the investigator to resolve the complaint. Raleigh St will take the steps necessary to implement the agreement between the parties.

e) Fair Work Commission

If the matter is still unresolved after the investigation process described above, the matter should be referred to the Fair Work Commission for resolution.

Re-establishing relationships

Once workplace harassment or bullying complaint has been resolved, it is everyone's responsibility to work together to restore relationships and a positive, work environment. It is also possible that, although the complaint has been resolved, the circumstances surrounding it may continue to have an adverse impact on employee morale and productivity. Additionally, there may be circumstances where the investigation finds that a complaint was made in good faith but was nevertheless unsubstantiated. In such cases the complainant's distress may nonetheless be genuine, or the specific complaint may be a symptom of other underlying problems in the workplace.

To resolve such situations, Raleigh St will ensure employees are supported with information or training to improve communication, understanding and co-operation in the workplace. All employees with staff management responsibilities at Raleigh St will ensure that employees reporting to them are aware of the support that employees can access and encourage and support them to use such services.

Procedure reviewed-	Modifications-	CoM endorsement date-	Next review date-
April 2021	Procedure reviewed by a third party	June 2021	June 2024