

Grievance Resolution Policy

Version: 1





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Thorndale Foundation ('the Organisation') are committed to promoting a healthy and productive work environment. The Organisation recognise that grievances may arise in the workplace and acknowledges the rights of employees to raise these concerns. The Organisation's grievance policy is an important tool to help the Organisation achieve this goal.

Governing regulations for this policy

-  Australian Human Rights Commission Act 1986 (Cth)
-  Equal Employment Opportunity (Commonwealth Authorities) Act 1987 (Cth)
-  Fair Work Act 2009 (Cth)
-  Work Health and Safety Act 2011 (Cth)

Documents relevant to this policy

-  Worker code of conduct template

1.0 Purpose

- Thorndale Foundation ('the Organisation') are committed to promoting a healthy and productive work environment. The Organisation recognise that grievances may arise in the workplace and acknowledges the rights of employees to raise these concerns. The Organisation's grievance policy is an important tool to help the Organisation achieve this goal.
- The purpose of this policy is to ensure that there is a fair, equitable, timely and transparent process for the resolution of grievances in the workplace.

2.0 Commencement of Policy

- This Policy will commence from 1 January 2022. It replaces all other Grievance Resolutions policies (whether written or not).

3.0 Application of the Policy

- This Policy applies to the Organisation's employees (full-time, part-time and casuals) and to the resolution of grievances by employees in connection with their employment.

- The Organisation may at its sole discretion, on a case-by-case basis, may alter the manner in which the process outlined in this Policy Instruction is conducted to ensure it suits the particular grievance.

4.0 Options for grievance resolution

In general, there are two options to consider if you have a grievance, being:

Informal process

- An informal grievance process involves a staff member (the complainant) seeking to resolve a grievance they have with someone else in the Organisation (respondent) by themselves, or with the help of Human Resources or another senior manager (where appropriate).
- Where there is an allegation of bullying or harassment the complainant may choose not to be directly involved in raising the issue with the respondent.
- Where the matter relates to conditions of work, such as workload, the employee's manager may be the respondent, in which case the supervisor's manager may be involved to facilitate the process.
- Where the grievance is in relation to a general workplace concern and does not involve a respondent, the complainant should speak with Human Resources or CEO as appropriate.
- An informal process does not result in 'findings' about whether the alleged conduct did or did not occur.
- An informal process is appropriate in some circumstances, including where:
 1. the complainant wishes to deal with the matter informally;
 2. the complaint is relatively minor in nature;
 3. the respondent has no recorded history of engaging in conduct of the kind alleged by the complainant; and/or
 4. the respondent does not deny the substance of the allegation.
- Even if a complainant wishes to deal with an issue informally, the Organisation may determine that the matter must be dealt with in a formal process. The Organisation may determine that an issue should be dealt with formally if it is a serious allegation or there is a history of complaints against the respondent.
- Outcomes from an informal process may include, but are not limited to:
 1. an acknowledgement and apology by the respondent;
 2. an agreement by the respondent to undertake training or coaching;
 3. the change or development of a policy or practice; and/or
 4. a change in behaviour by the respondent, as directed.

- A successful outcome to an informal grievance process consists of all parties having had an opportunity to present their story, along with consensus by all on the decisions made and any provisions for resolution of the grievance. Where applicable, the parties should feel capable of continuing to work together in a professional capacity.

Formal process

- A formal process involves the initiation of a formal review of an allegation made by a complainant in writing. The allegation in writing must contain sufficient information regarding the nature of the issue and be signed and dated by the complainant. Where there is more than one complainant, all complainants must sign and date the document.
- The formal process is appropriate where:
 1. the complainant wishes to deal with the matter formally;
 2. the allegations are serious;
 3. an informal process has not resolved the complaint (however an informal process is not required before a formal investigation commences); and/or
 4. there is a history of complaints against the respondent.
- A formal process involves the complainant making the complaint to Human Resources in writing without first speaking directly with the respondent, or if Human Resources determines that a formal process is appropriate in the circumstances. How the formal process is conducted is at the complete discretion of the Organisation, which may include an external investigator. The following are general guidelines for the formal process:
 1. the complainant and the respondent are interviewed separately to give their version of events;
 2. any other relevant people are interviewed to give their version of events;
 3. recommendations to resolve the complaint are made;
 4. parties, including the complainant and the respondent, are kept informed as appropriate; and
 5. details may be noted on personnel files.
- Complaints will be dealt with seriously, impartially, quickly and fairly. In order for the Organisation to deal with a complaint, it may not be possible for the complainant to remain anonymous however we will maintain confidentiality as much as possible.
 1. an acknowledgement and apology by the respondent;
 2. changes in office seating or work arrangements, such as reporting lines or work responsibilities;
 3. a change in behaviour by the respondent, as directed; and/or
 4. disciplinary action, which may include summary dismissal if appropriate.
- If the formal process is inconclusive, i.e., the complaint cannot be proved due to lack of evidence or the conduct is not sufficiently serious to justify disciplinary action, the Organisation may nevertheless take a number of actions. These may include training and/or monitoring of relevant staff.
- Any documentation associated with a grievance will be kept in confidential files, which will be separate to the personnel files of both the complainant and respondent. This information will only be placed in a personnel file where the complaint results in disciplinary action or involved substandard performance.

5.0 External process

If you are not satisfied with the way in which your grievance was handled, you may have the option of raising your complaint with an outside agency, such as the Australian Human Rights Commission the Fair Work Ombudsman or the relevant State Anti-Discrimination Board and other bodies. You may also wish to consider making a claim in the Fair Work Commission or the court.

6.0 Frivolous and/or vexatious complaints

- Any employees who lodge a grievance are expected to cooperate with the process and provide evidence where possible.
- If at any stage of the grievance resolution process the Organisation is satisfied that a grievance is frivolous, vexatious, misconceived or lacking in substance, the complaint may be dismissed. A finding that a complaint has been made frivolously or vexatiously may lead to disciplinary action against the complainant.
- However, we encourage staff to speak up if they believe they have a legitimate grievance or complaint. We will do our best to ensure that you are not victimised in any way for lodging a genuine complaint, being involved in the investigation process, or for supporting someone else's complaint.

7.0 Other Related Policies and Procedures

- Code of Conduct
- Equal Employment Opportunity, Discrimination, Harassment and Bullying Policy

8.0 Variations

The organisation reserves the right to vary, replace or terminate these Policy from time to time.

Policy version and revision information

Policy Authorised by:	Cathy Gault	Original issue:	1 January 2022
Title:	Chief Executive Officer		

Policy Maintained by:	Jody Faber	Current version:	3
Title:	People and Culture Manager	Review date:	1 January 2024