

STAFF GRIEVANCES AND DISPUTE RESOLUTION POLICY AND PROCEDURE

Effective Date of this Policy : **1 January 2019**
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1. Introduction

This document details the Staff Grievances and Dispute Resolution Policy and Procedure (“Policy”) for an Employee of Norwood Industries Pty Ltd (“Norwood”). Open communication and feedback are regarded as essential elements of a satisfying and productive work environment.

Norwood encourages its employees to resolve any issues or concerns that they may have at the earliest opportunity with each other or, failing that, with their supervisor.

The preferred process involves employees resolving issues to their satisfaction internally, without feeling they need to refer to external organisations or to authorities for assistance.

2. Purpose

The purpose of this Policy is to provide an avenue through which employees and their managers can resolve work-related complaints as they arise.

3. Policy

Norwood will establish mechanisms to promote fast and efficient resolution of workplace issues.

Employees should feel comfortable discussing issues with their manager or supervisor in accordance with the procedures outlined below.

All formal avenues for handling of grievances will be fully documented and the employee’s wishes will be considered in determining the appropriate steps and actions.

No employee will be intimidated or unfairly treated in any respect if they use this Policy to resolve an issue.

This Policy applies to:

- All permanent full time, part time and casual employees;
- Job applicants; and
- Contractors.

The general term used to describe these people is “employee”.

4. Responsibilities

It is the responsibility of **Managers and Supervisors** to ensure that:

- They identify, prevent and address potential problems before they become formal grievances;
- They are aware of and committed to the principles of communicating and information sharing with the employee;
- All decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organisation in general;
- Any grievance is handled in the most appropriate manner at the earliest opportunity; and
- All employees are treated fairly and without fear of intimidation.

It is the responsibility of employees to ensure that:

- They attempt to resolve any issues through their immediate supervisor and through internal processes at the earliest opportunity.

It is the responsibility of the Managing Director to ensure that:

- All managers, supervisors, employees are aware of their obligations and responsibilities in relation to communication and information sharing with their employees;
- Ongoing support and guidance is provided to all employees in relation to employment and communication issues;
- All managers, supervisors and employees are aware of their obligations and responsibilities in relation to handling grievances;
- Any grievance that comes to the attention of managers or supervisors is handled in the most appropriate manner at the earliest opportunity.

5. Procedures

5.1 Employment Practices

All managers and supervisors should be aware of the possible ramifications of their actions when dealing with employee issues. They must ensure that all employees are treated with fairness, equality and respect.

If there are any doubts or queries in relation to how to deal with a particular set of circumstances, then managers or supervisors should contact the Managing Director for advice at the earliest opportunity.

Where a grievance or dispute has been brought to a manager's attention, they should assess whether the employee involved is covered by an Award or Agreement, and if so should refer to that document for grievance procedures. If the employee involved is not covered by such a document, the guidelines below should be followed.

5.2 Grievances and Dispute Resolution

An employee who considers that they have a dispute or grievance that they have not been able to resolve directly with any other involved party should raise the matter with their immediate supervisor as a first step towards resolution. The two parties should discuss the matter openly and work together to achieve a satisfactory outcome.

The manager or supervisor should follow the steps outlined below:

- Make sure that the employee is listened to and supported. You don't have to agree with what they say, but you must make sure that they know you will act on their concerns;
- If more than one person is present, establish the role of each person;
- Outline the process that is to be followed;
- Inform the parties that any information obtained in the conduct of the review is confidential;
- Listen to the complainant. Obtain a chronology of events (who, what, why, when, how etc);
- Inform and discuss with the complainant Norwood's applicable policies and procedures (e.g. the organisation's anti-discrimination policy).

- Ask the complainant what kind of outcome they are hoping for (best case scenario) and then talk them through next steps: e.g. you will discuss the matter confidentially with the manager or Managing Director to determine a way in which to deal with the issue and report back to them within a set timeframe;
- Explain that they cannot be adversely affected because they have made a complaint and explain who to report matters to internally if they do feel that they are being adversely affected;
- Provide the complainant with plenty of time to ask questions;
- Offer the complainant assistance (such as counselling through an Employee Assistance Program) or a way to get home safely if they are visibly upset;
- Provide the complainant with a direct contact number that they can call if they have any concerns or queries;
- Take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation; and
- If deemed necessary, provide the employee with a written summary of the meeting and clarification of the next steps to be taken.

The Manager must ensure that the manner in which the meeting is conducted will be conducive to maintaining positive working relationships, and will provide a fair, objective and independent analysis of the situation.

All parties are to maintain complete confidentiality at all times.

If the matter is not resolved and the employee wishes to pursue it, the issue should be discussed with the Managing Director. Again, the matter is to be discussed openly and objectively with management to ensure it is fully understood.

If the grievance/dispute is one of a confidential or serious nature involving the employee's manager, the complainant may discuss the issue directly with the Managing Director. The Managing Director reserves absolute discretion as to making a final decision as to how the grievance or dispute will be resolved.

5.3 Investigating a Grievance or Dispute

Procedural fairness and transparency can make or break a workplace investigation. Maintaining procedural fairness means that you can:

- protect the interests of the participants in the investigation;
- enhance the credibility of the investigation process;
- rely on the investigation (and Norwood's findings) when making employment decisions; and
- defend employment decisions in a court or tribunal.

An investigator should ensure that:

- the respondent is aware of all the allegations made against them in sufficient detail;
- the respondent is allowed a reasonable opportunity, including adequate time, to respond to each of the allegations;
- the investigation is carried out in a reasonable time frame;
- all participants are given the opportunity to have a support person in the interviews pertaining to the investigation;
- all participants are required to maintain confidentiality and sign a confidentiality agreement;
- he/she has no personal interest or bias in the matter being investigated;
- all participants are given the opportunity to respond to any contradictory evidence; and
- he/she makes reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.

5.4 The Importance of Impartiality

It is critical to ensure that the person responsible for carrying out an investigation is impartial. The investigator must not have a vested interest in the outcome of the matter. If a concern about impartiality is raised, it's important to consider:

- whether the use of an external investigator is necessary to ensure impartiality;
- whether any conflicts of interest need to be disclosed (e.g. if any individuals are friends outside the workplace); and
- whether the investigator has handled any previous disciplinary matters.

If there is the possibility that a person's employment will be terminated if the allegations are proven as part of an investigation, then an external investigator may be appointed to ensure that the investigation and the process followed will stand up in any potential court proceeding.

Related documents

- **Norwood Anti-Discrimination, Harassment and Bullying Policy**
- **Norwood Equal Opportunity Policy and Procedures**

Norwood Industries Pty Ltd

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