



Staff Grievances

Category: Leadership and Management

Policy and Procedure

POLICY

- All employees have the right for a grievance to be heard.
- BCH will ensure that grievances are resolved fairly by negotiation and discussion between the parties and in accordance with Ballarat CHC and relevant award procedures. Underlying any procedure for dealing with this situation is the principle that an employee will have the right for a grievance to be heard through all levels of management.
- The preferred method of resolving problems will be informal, through discussion and co-operation and by the processes of mediation and conciliation. Informal resolution measures are the preferred way of resolving complaints (except those of physical attacks or serious harassment) for the following reasons:
 - Resolution of workplace grievances should be a normal, stress-free activity
 - Misunderstandings can often be quickly rectified
 - Matters can be resolved without involving parties in formal, complex and time consuming procedures.

The informal complaints process aims not to make a finding but to assist the parties to reach agreement on a mutually acceptable outcome.

- While discussions are taking place and until the grievance is settled, work is to continue normally in accordance with the custom and practice of Ballarat CHC before the grievance arose. If this is not appropriate then alternative arrangements will be made.
- Employers and employees are entitled to know the details of complaints against them, including the name of the person raising the complaint, the specific details of the complaint, and be given the opportunity to respond prior to any action being taken in response to the complaint. It is unprofessional and a denial of natural justice for the name of the complainant and the details of the complaint to be withheld from the staff member concerned. Such withholding of information does not afford the staff member an appropriate and adequate opportunity to respond to and address the complaint.
- In accordance with the Health Practitioner Regulations National Law Act 2009, it may be relevant for staff grievances to be reported under the mandatory reporting provision in the legislation. Should this be appropriate BCH will follow the Disciplinary Process Policy.

RATIONALE

Employees may have grievances arising out of their employment that requires resolution in the interest of good working relationships. In Victoria it is compulsory for all employment agreements and awards to contain provisions for the preventing or settling of claims, disputes or grievances.

BCH is committed to the resolution of staff grievances. This policy details the procedures parties involved in a grievance dispute should expect and what is expected of them to achieve resolution.

This policy forms part of BCH's overall strategy for meeting its obligations to provide a safe and harmonious working environment.

SCOPE

This Policy applies to all BCH staff, volunteers and contractors.

RESPONSIBILITIES



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The CEO and Board of Management are responsible for the management and review of this policy.

DEFINITIONS

Grievance A grievance can be any work-related act, behaviour, omission, situation or decision that arises which someone considers to be unfair or unjustified.

Mediation A process in which parties to a dispute meet to identify the disputed issues, develop options, consider alternatives, and endeavour to reach an agreement, through the assistance of a neutral third party (the mediator).

The mediator *has no advisory or determinative role* in regard to the content of the dispute or its outcome, but may advise on or determine the process of the mediation.

Although the components of mediation - identifying the disputed issues, developing options, considering alternatives and endeavouring to reach agreement usually occur, they do not necessarily occur in every mediation and are not necessarily sequential.

Conciliation As for mediation *except* the neutral third party (the conciliator) takes a more active advisory role in the content of the dispute and the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of the conciliation when resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms or actively encourage the participants to reach an agreement.

Complainant A person who, individually or in conjunction with others, makes a complaint, other than workplace bullying, unlawful discrimination or harassment under BCH Policy.

Respondent A person or organisation against whom a complaint has been made.

PROCEDURES

1. In the first instance it is the employee's responsibility to assess the situation and if appropriate to attempt to resolve the grievance with the other concerned party in a fair and reasonable way.

If the situation cannot be resolved between the two parties then an informal complaint can be made.

2. **Informal Complaints**

An informal complaint will normally be a verbal complaint. The complaint should be made to either:

- (i) The Complainant's immediate Team Leader
- (ii) The Respondent's Team Leader

The staff member to whom the informal (verbal) complaint was made may assist the complainant to decide how best to deal with the situation and to explain all options for resolution. Informal complaints are generally managed by providing advice and support to enable the complainant to decide on one of the following actions.

The complainant may choose to:

- (a) Take no action.
- (b) Deal with the matter individually e.g. writing a personal and confidential letter to the person(s)/body concerned regarding the issue.
- (c) Decide to lodge a formal complaint



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3. Formal Complaints Procedure

A formal (written) grievance should be lodged with the Team Leader or CEO and the following procedure will be implemented:

- The Team Leader will acknowledge the complaint in writing as soon as possible but within 5 working days
- The Team Leader will advise the CEO and HR Coordinator of the complaint as soon as possible
- The Team Leader will advise the respondent in writing of the complaint and the details as soon as possible
- Within five days of written receipt of the complaint, the CEO will nominate a suitable person to conduct an investigation of the complaint. The person conducting the investigation shall have access to all persons and information they consider relevant and act expeditiously
- The CEO, or nominee will advise the complainant and respondent of the outcome of the investigation and any action to be taken.
- Where the complaint remains unresolved, the CEO or Nominee can organise mediation for the parties. The mediator will facilitate a meeting in which both parties meet to identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or its outcome, but may advise on or determine the process of the mediation
- Where a resolution is achieved the complainant and respondent will sign a resolution agreement as complete and final settlement of the complaint
- The outcome/s determined through the above process by the CEO is final

Notes

- A formal, written complaint should normally be lodged within 3 months of the grievance occurring.
- It is acknowledged that all proceedings in a formal complaint will be fully documented.
- All parties involved in a complaint must maintain confidentiality at all times.
- The Grievance Procedure will be dealt with in a timely and efficient manner, respecting the rights of all staff involved, and in reference to the Grievance provisions in the staff member's Awards.

REVIEW HISTORY

Adapted From	VHIA; BCH Staff Grievance Procedure
Distribution:	All Staff
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Policy Legislative Base	Health Practitioner Regulations National Law Act 2009
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