



DUNTROON COMMUNITY CENTRE INC.

GRIEVANCE POLICY AND PROCEDURES

FOR ALL USERS OF THE CENTRE

The objective of this Grievance Policy is to provide a mechanism for handling grievances which can not be resolved without intervention. It is important that grievances be dealt with confidentially and expediently, in a manner that is as unbiased as possible, and that no victimisation occurs against anyone for complaining or assisting a complainant.

The nature of a grievance can be either organisation/program bases, or individual or personal.

Grievances should in the first instance be resolved at the level where the problem has occurred. Should this prove unsuccessful, either party has the right to decide whether they want formal or informal resolution procedures followed.

At all stages during the process, the Duntroon Community Centre (DCC) Representative dealing with the grievance is to keep the DCC Management Committee informed and updated as to the progress of the grievance and any resolution agreement.

DEFINITION OF AN ORGANISATIONAL OR PROGRAM GRIEVANCE

These relate to delivery and access to a service, and the provider of the services. Grievances of this nature are usually lodged by a DCC Member, or staff member.

DEFINITION OF PERSONAL OR INDIVIDUAL GRIEVANCE

These arise as a concern relating to work or the work environment, usually from an employee or a volunteer/member. The grievance may be about any act, omission, situation or decision that the individual thinks is unfair, discriminatory or unjust.

The following procedures have been developed to provide a step by step grievance handling process. A copy of the procedure is to be attached to all letters of appointment and will form part of an employee's employment condition.

Some Awards contain grievance procedures, and in the first instance, reference is to be made to these, and those procedures followed. In the absence of a procedure under an Award, the following will apply.

Information relating to grievances should not be placed on personnel files unless disciplinary action is taken. Disciplinary action may be taken as a result of grievance investigations.

PRINCIPLES

- Any staff member or DCC member has the right to lodge a grievance and have it handled promptly and equitably, without fear of recrimination.
- The grievance policy should be seen by staff and DCC members to be a positive and productive mechanism.
- All staff and DCC members have the right to make a grievance.
- The staff will work together as valued colleagues.
- All grievance policies and procedures should be fair and just and be applied equally to all parties regardless of their role.
- As far as possible, normal work activities will continue whilst the grievance process is being pursued.
- Any party to a grievance should be given the opportunity to have an observer of their choice present during any interviews. The observer's role is to observe the proceedings, not to participate in the interview.

PROCEDURES

INFORMAL GRIEVANCE PROCEDURES

An aggrieved person should, if possible, tell the person who is acting in a hurtful or unsuitable way that his or her behaviour is not acceptable and/or is offensive, so that they have the chance to stop or change what they are doing, or they should advise the staff member of the actual event or situation giving rise to their grievance so that the matter can be investigated.

Should this resolve the matter, then no further action need be taken. However, should the matter not be resolved, the aggrieved staff or DCC member should initially contact the Centre Co-ordinator. Should the aggrieved staff member or DCC member feel uncomfortable reporting the matter to the Centre Co-ordinator to assist in the resolution of the grievance or remains unsatisfied with the Co-ordinator's response or the matter involves the Co-ordinator, then the aggrieved staff or DCC member should contact a member of the Committee, who, in their opinion, is the most appropriate person to assist in the resolution of the grievance.

It is the responsibility of both the staff/DCC member and Co-ordinator/Committee member dealing with the grievance to communicate fully about the nature of the grievance, and to work towards a mutually satisfactory resolution.

If a resolution is agreed upon at the conclusion of this interview or conversation, both parties should be aware of the agreed upon steps to be taken to resolve the conflict and the time frame for such steps to be taken to resolve the grievance. Once agreed, this should be documented and communicated to the DCC Committee.

It is the responsibility of the Co-ordinator/Committee member dealing with the grievance to maintain communication with the staff/DCC member as to the progress of the grievance/resolution, and similarly of the aggrieved staff/DCC member to give open, honest feedback to the Co-ordinator/Committee member.

If at the discretion of the Committee a satisfactory resolution can be achieved without identifying the source of the grievance, the confidentiality of the staff/client should be protected. If however at the Committee's discretion a satisfactory resolution is dependent upon the identification of the source of the grievance, this should be done and the aggrieved person advised.

The aggrieved staff/DCC member is able to use his or her discretion at any point to move from informal grievance procedures to formal grievance procedures.

If after attempts to resolve the grievance using informal procedures have failed, or should a resolution not be reached within one month of the initial notification of the grievance, the parties should escalate their grievance to the formal grievance procedure.

FORMAL GRIEVANCE PROCEDURE

All formal grievances must be lodged in writing. This can be initiated by the complainant by completing an Incident/Complaint/Investigation Form and lodging it with the DCC Coordinator. Should the grievance concern the Centre Co-ordinator or the complainant is uncomfortable lodging the form with the Co-ordinator then the form should be lodged directly with the President or Vice President in person. If it is unable to be lodged in person, it can be lodged instead via the DCC website using the Feedback link which delivers the complaint directly with the email address of no less than two members of the executive Committee (normally the President and Vice President). This form should outline the nature of the grievance in detail, and should detail the complainant's suggestion to remedy the situation. Where a complainant is not equipped with writing skills, assistance is to be given to document the oral complaint from the complainant.

Once a form has been received it should be acknowledged, and the following formal procedures are to be entered into immediately.

1. The recipient of the complaint is to acknowledge receipt of the grievance within five working days by letter, and inform the complainant that the formal grievance procedures will now be instigated.

2. The recipient of the complaint is to complete an investigation by obtaining relevant information obtained from staff, the complainant and, if necessary, other staff/DCC members.
3. An interview should then be scheduled involving all relevant parties and chaired by the relevant DCC committee member (e.g. the Vice President).

Every attempt is to be made to resolve the conflict. A record of the interview, including details of the strategies and actions agreed upon to resolve the conflict, is to be prepared and distributed to all relevant parties.

Any resolution should contain a timeframe of events. A review time should be scheduled shortly after the expected implementation of the resolution plan, to evaluate the results and determine if the grievance has in fact been resolved.

All grievance reports are to be kept by the DCC in a secure place. A copy of appropriate reports is to be given to each of the parties involved, who in turn must respect all other parties' right to privacy and confidentiality in their storage and handling of the report.

If the parties cannot agree to a resolution, then the DCC committee should prescribe a plan of action to be implemented to temporally alleviate the grievance.

Following implementation of either the agreed upon strategies or the prescribed strategies, a second interview should be held to review the progress of the conflict resolution.

Should the complainant remain unsatisfied with the decision at this point, they should pursue further grievance resolution measures through an appropriate external agency e.g. their union or a relevant government agency.

All grievances should be resolved, whenever possible, within a maximum period of three months.

OUTCOMES

If a grievance is substantiated, the following actions may be appropriate:

- A written apology; and/or
- An Official warning being issued; and/or
- Counselling; and/or
- Demotion; and/or
- Dismissal.

If the complaint is not substantiated:

- Training of staff on relevant issues such as equal opportunity law and appropriate workplace behaviour; and/or
- Keeping a closer watch on the behaviour of employees.

If the complaint is frivolous then action in relation to the complainant should follow, for example:

- A written apology; and/or
- An official warning; and/or
- Counselling for the person who made the complaint; and/or
- Demotion; and/or
- Dismissal.

1. GRIEVANCE PROCEDURE

If there is dissatisfaction with a staff member's service the following procedures should be followed:

- a. The President should discuss unsatisfactory aspects of service with the staff member and try to find a possible solution. The content of the discussion is to be recorded and signed by the President and the staff member.
- b. The President should advise the Executive Committee when a grievance procedure is to commence with any staff member.
- c. Where an improvement does not occur after a minimum of two weeks (or as specified by the President), the President should discuss the staff member's performance a second time with him/her, indicating that if improvement does not occur within a specified time, then further action will be taken. **IF THE EMPLOYEE SO WISHES, A REPRESENTATIVE CAN BE PRESENT AT THIS MEETING.** The discussion should be recorded and signed by both the President and staff member.
- d. On expiry of the time allowed in item c, and if the desired result has not occurred, the President should give written notification to the staff member confirming that the matter will now be referred to the Executive Committee.
- e. The staff member should be advised that he/she may request an interview with two members of the Executive Committee.
- f. If requested by the staff member, two members of the Executive committee should interview the staff member and decide whether to allow a further period of time or to terminate employment. The staff member should be informed in writing of their decision.
- g. In extraordinary circumstances, the President may contact a least two members of the Executive Committee and, if circumstances demand, immediate action may be taken. Any action should be recorded and appropriate written notification given to the staff member concerned.

2. RESOLUTION OF INTERNAL DISPUTES

- a. Grievances can be presented either verbally or in writing and it is recommended to express a grievance to at least two Executive Committee members.
- b. Disputes that cannot be resolved between members of the Centre are to consult Defence Community Organisation or a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.
- c. At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

3. DISCIPLINING OF MEMBERS

A complaint may be made to the committee by any person about a member of the Centre whom:

- a. has persistently refused or neglected to comply with the Centre's policies or guidelines, or
- b. has persistently and wilfully acted in a manner prejudicial to the interests of the Centre.

On receiving such a complaint, the Committee:

- a. must cause notice of the complaint to be served on the member concerned; and
- b. must give the member at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint, and;
- c. must take into consideration any submissions made by the member in connection with the complaint.

The Committee may, by resolution, expel the member from the Centre or suspend the member from membership of the Centre if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

If the Committee expels or suspends a member, the secretary must, within 7 days after the action is taken, ensure written notice is given to the member of the action taken, of the reasons given by the Committee for having taken that action and of the member's right of appeal.

The expulsion or suspension does not take effect:

- a. until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- b. if within that period the member exercises the right of appeal, unless and until the Centre confirms the resolution,

whichever is the later.

4. RIGHT OF APPEAL OF DISCIPLINED MEMBER

A member may appeal to the association in general meeting against a resolution of the committee, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

- a. The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- b. On receipt of a notice from a member, the secretary must notify the committee, which is to convene a general meeting of the Centre to be held within 28 days after the date on which the secretary received the notice.

At a general meeting of the Centre no business other than the question of the appeal is to be transacted, and the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked. If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.