

Clarence Valley Conservation in Action (CVCIA Landcare) Inc



STAFF GRIEVANCES AND DISPUTE RESOLUTION POLICY

Policy number	P006	Version	V1
Drafted by	K & L Noble	Committee approved	10th April 2021
Responsible person	Chairperson	Scheduled review date	2022 AGM

INTRODUCTION

Open communication and feedback are regarded as essential elements of a satisfying and productive work environment.

Clarence Valley Conservation in Action (CVCIA Landcare) Inc encourages its employees, members and volunteers to resolve any issues or concerns that they may have at the earliest opportunity with each other or, failing that, their immediate supervisor.

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

PURPOSE

The purpose of this document is to provide an avenue through which employees, members and volunteers, and their supervisors, can resolve work-related complaints as they arise.

POLICY

Clarence Valley Conservation in Action (CVCIA Landcare) Inc will establish mechanisms to promote fast and efficient resolution of workplace issues.

Employees, members and volunteers 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/members/volunteer's wishes will be taken into account in determining the appropriate steps and actions.

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

This Policy applies to permanent and part-time paid employees, members and volunteers.

AUTHORISATION

Jan Armstrong

10th April 2021

Clarence Valley Conservation in Action (CVCIA Landcare) Inc

Policies can be established or altered only by the Committee.

Procedures may be altered by the Chairman.

Clarence Valley Conservation in Action (CVCIA Landcare) Inc



STAFF GRIEVANCES AND DISPUTE RESOLUTION PROCEDURES

Procedures number	P006	Version	V1
Drafted by	K & L Noble	Committee approved	<<insert date>>
Responsible person	Chairperson	Scheduled review date	2022 AGM

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 their employees, members and volunteers.
- 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.
- All employees, members and volunteers are treated fairly and without fear of intimidation.

It is the responsibility of Employees, members and volunteers to ensure that:

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

It is the responsibility of the Clarence Valley Conservation in Action (CVCIA Landcare) Inc and its committee to ensure that:

- All managers, supervisors, employees, members and volunteers are aware of their obligations and responsibilities in relation to communication and information sharing with their employees, members and volunteers.
- Ongoing support and guidance is provided to all employees, members and volunteers in relation to employment and communication issues;
- All managers, supervisors, members, employees and volunteers 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.

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PROCEDURES

Employment Practices

All managers and supervisors should be aware of the possible ramifications of their actions when dealing with employee/member/volunteer issues. They must ensure that all employees, members and volunteers 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, managers or supervisors should contact the Committee/Chairperson 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, member or volunteer involved is covered by an Award or Agreement, and if so should refer to that document for grievance procedures. If the employee, member or volunteer involved is not covered by such a document, the guidelines below should be followed.

Grievances and Dispute Resolution

An employee, member or volunteer 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 desired outcome.

The Manager or Supervisor should follow the steps outlined below:

- Make sure that the employee, member or volunteer feels listened to and supported. You do not 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).
- Run through the applicable policies and procedures (e.g. the organisation's anti-discrimination policy) with the complainant.
- Ask the complainant what kind of outcome they are hoping for (best case scenario) and then talk them through next steps: e.g. Chairperson to determine a way in which to deal with the issue and report back to them within a set timeframe.
- Provide the complainant with the organisation's confidentiality and non-victimisation agreement. 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.

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- 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.
- If deemed necessary, provide the employee/member/volunteer with a written summary of the meeting and clarification of the next steps to be taken.

The Manager or supervisor 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, member or volunteer wishes to pursue it, the issue should be discussed with a Committee member, then, if necessary, the Chairperson. Again, the matter is to be discussed openly and objectively with the Committee to ensure it is fully understood. If the grievance/dispute is one of a confidential or serious nature involving the employee, member or volunteer's Manager or supervisor, the complainant may discuss the issue directly with the Chairperson. The Chairperson reserves absolute discretion as to making a final decision as to how the grievance or dispute will be resolved.

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 your findings) when making employment decisions;
- defend your employment decisions in a court or tribunal.

Following are some pointers to ensure that a workplace investigation is procedurally fair. The 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 timeframe.
- 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.
- the investigator has no personal interest or bias in the matter being investigated.
- all participants are given the opportunity to respond to any contradictory evidence.
- the investigator makes reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.

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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. Employees, members or volunteers will often consider that a Manager or supervisor is not sufficiently impartial because of their involvement and role in the workplace. If such a concern is raised, it is 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 you should seriously consider the use of an external investigator to ensure that your investigation and the process followed will stand up in any potential court proceeding.

RELATED DOCUMENTS

- P001 - Anti-Discrimination Policy
- P004 - Bullying Policy

AUTHORISATION

Bevan Pugh

10th April 2021

Clarence Valley Conservation in Action (CVCIA Landcare) Inc