

GRIEVANCE RESOLUTION PROCEDURE



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Responsible Officer	Executive Manager People, Culture & Safety
Applicable Legislation	Fair Work Act 2009, Fair Work Regulations 2009

WAFC CORE VALUES

Our People | Our Relationships | Being our Very Best | Leading our Industry

PURPOSE

The purpose of establishing a grievance resolution procedure is to promote a work environment whereby employees are encouraged to discuss and resolve concerns in a respectful, positive and constructive manner, with a focus on mediation and resolution rather than confrontation and conflict, and establishing and maintaining a safe and healthy work environment.

This document provides guidance on the process by which employees may raise and address concerns and aims to achieve the application of a fair and consistent approach.

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POLICY DETAILS

APPLICATION AND SCOPE

This procedure applies to all WAFC employees.

WHAT IS A GRIEVANCE?

A “grievance” is a problem, concern or complaint about work or the work environment. It may be an act, omission, situation or decision, which an employee believes to be unfair, unjustified, or contrary to WAFC workplace policies or procedures.

A grievance may relate to any aspect of employment, for example:

- safety in the workplace;
- transfer or promotion;
- hours of work;
- leave;
- supervision;
- performance appraisal; or
- development or training.

GUIDING PRINCIPLES

The principles which apply to employee grievances are:

- everyone has a right to be treated with respect;
- employees should be encouraged to come forward with any grievance and all parties are to be dealt with in a supportive manner;
- grievances will be dealt within a reasonable timeframe;
- principles of procedural fairness and natural justice will guide the process, i.e. the person against whom the allegation is made has the right to know what is alleged against them, the right to put their case in reply and the right for any decision to be made by an impartial decision maker;
- wherever possible, a non-adversarial and non-judgmental resolution will be pursued;
- at any stage during the process, the parties to the process may appoint a support person to accompany them;
- appropriate documentation should also be maintained throughout the process, as applicable;
- grievances will be treated in confidence and where confidentiality cannot be guaranteed this will be clearly indicated; and

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- no person is to be subjected to victimisation because of raising a grievance.

RAISING & RESOLVING A GRIEVANCE

Grievances may be raised and resolved by either an informal or formal process; the decision as to whether to follow a formal or informal process is made by the employee who is affected by the behaviour (whether they raised the grievance or not), except in cases where the serious nature of the alleged misconduct warrants a formal investigation.

While it is expected that the employee concerned will usually be the one to raise the grievance, in some circumstances a manager, supervisor or another employee may observe or be informed of unacceptable conduct occurring with regards to an employee and subsequently raise the grievance. The manager or supervisor can take independent action to address the issue (i.e. through speaking to parties involved to try and resolve) or refer the grievance to the Executive Manager- People, Culture & Safety.

Documentation & Record Keeping

It is important to always keep a secure and accurate record of incidents, noting what happened, when and the names of witnesses.

INFORMAL GRIEVANCES

The different ways in which an informal resolution process can take place include self resolution, management assisted resolutions and People, Culture & Safety facilitated resolution.

Self Resolution

If possible, and where the employee is comfortable to do so, the WAFC encourages employees to try to address their concerns directly with the person(s) who they feel has acted inappropriately, as soon as possible and in a professional manner.

An employee may also wish to seek advice on possible strategies from the Executive Manager People, Culture & Safety.

Management Assisted Resolution

If the employee feels they are not able to resolve the matter directly on their own or their attempts to address it are not successful, they should discuss the matter with their manager who can either;

- facilitate a meeting and act as a mediator between parties to find a resolution; or
- speak to the person on the employee's behalf, in which case they will privately convey their concerns and reiterate any applicable WAFC policy or requirements relating to their conduct and behaviour without assessing the merits of the case.

People, Culture & Safety Facilitated Resolution

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Where manager involvement is either not possible, appropriate or successful, the next stage is to contact the Executive Manager People, Culture & Safety who will appropriately deal with the grievance.

Note: At this stage, the grievance may be informal or formal. This is the employee's choice. If the employee wishes to proceed with a formal grievance they will need to follow the formal grievance process.

Once any grievance has been made either formally or informally with the Executive Manager People, Culture & Safety, the focus will be on conciliation (i.e. mediation between affected parties) as the preferred model for resolution.

Informal Resolution Outcome

In the event that the informal process is unsuccessful, the employee may decide to escalate the issue, which may include deciding to make a more formal grievance.

FORMAL GRIEVANCES

This procedure assumes that either the employee has submitted a request for a formal investigation into their grievance, the informal resolution of the grievance has been unsuccessful, or informal resolution is inappropriate and the nature of the matter is serious enough to warrant a formal investigation or resolution.

- The formal grievance will need to be in writing and should be made to the Executive Manager People, Culture & Safety, who will provide advice and support with respect to the process, as required.
- The Executive Manager People, Culture & Safety will undertake a preliminary investigation of the grievance and will advise the CEO of the WAFC of the outcome.
- The CEO of the WAFC (or delegate) may carry out further investigations if necessary, including in its absolute discretion, referral to an external mediator or conciliator.
- Should the grievance be substantiated as a result of the investigation, the relevant manager, in consultation with, and subject to approval by, the Executive Manager People, Culture & Safety and the CEO of the WAFC, will determine and then take appropriate remedial and disciplinary action. The disciplinary action will depend on the circumstances of the case, but can range from counselling the individual to more formal disciplinary action, including and up to termination of their employment.
- All parties to the grievance will be advised of the outcome.

External Resolution

Where the internal informal and formal grievance resolution processes have been either unsuccessful in achieving a suitable resolution or are deemed inappropriate, the WAFC may determine, at its absolute discretion, that the matter is to be referred to an external independent third party for

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investigation, mediation or conciliation (facilitating the discussion between parties and exploring options for a mutually agreed resolution).

Investigations & Employee Obligations

Each person in the workplace shall:

- Fully co-operate with any investigation;
- Provide any WAFC document or WAFC device, including without limitation computer records, disks, portable storage devices and mobile handsets, in a person's possession or control relevant to the matter being investigated; and
- Not make any false or misleading statement or act in any manner calculated to or which is likely to mislead the Investigation Officer.

CONFIDENTIALITY

WAFC will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other people in order to determine what happened, to afford fairness to those against whom the grievance has been made and to resolve the complaint.

All people involved in the complaint must also maintain confidentiality, including the employee who lodges the complaint.

All documentation and details of grievances will be kept securely by the Executive Manager People, Culture & Safety.

VICTIMISATION

Appropriate disciplinary action may be taken against any employee who victimises or retaliates against another employee who has lodged a grievance in accordance with this procedure.

A complaint of victimisation will form a separate grievance to the original complaint of discrimination or harassment. The success or otherwise of the victimisation grievance does not depend on the outcome of the original grievance of harassment. As a result, it is conceivable that an employee could be absolved of liability in respect of the original grievance (because the employee has established a valid defence, for example), but is still liable in respect of the victimisation grievance.

POSSIBLE GRIEVANCE OUTCOMES

Depending on the nature of the grievance and result of the process or investigation, the WAFC will make a determination of the grievance outcome, including what action may need to be taken to resolve the matter (which may include corrective or disciplinary action, where the alleged misconduct is substantiated and it is deemed appropriate). The employee making the claim will have no role in determining the outcome of the grievance.

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Example of possible outcomes include, but are not limited to:

- The person against whom the grievance is directed to acknowledge, apologise for and modify their behavior (this may include a performance improvement plan, where appropriate);
- Training/coaching, or a new policy or procedure is implemented to address the issue;
- Monitoring to ensure that the misconduct does not happen again;
- Making changes to the employees' working arrangements or environment; or
- Disciplinary action up to and including termination of employment.

TIMELINES

Employees are encouraged to raise any grievance as soon as possible after the alleged misconduct has taken place, to enable the matter to be adequately investigated and addressed.

Appropriate and reasonable timelines shall be set in any investigation of a formal grievance.

EMPLOYEE SUPPORT/COUNSELLING

For additional support, WAFC employees and their eligible family members are able to access the free 24 hour confidential counselling from the WAFC's Employee Assistance Program provider, Benestar (1300 360 364).

QUESTIONS/FURTHER INFORMATION

Any questions about this policy should be directed to the Executive Manager People, Culture & Safety.

Western Australian Equal Opportunity Commission – (08) 9216 3900

Worksafe WA - provides employees with a free information service regarding bullying and harassment on (08) 9327 8800 or 1300 307 877.

Further information about related legislative requirements and provisions may be found www.fairwork.gov.au.

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