HR03: Employment-Related Grievances

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Background

The Belyuen Community Government Council (Local Government) is committed to providing employees with the ability to raise a grievance or complaint with respect to their employment via an impartial internal process.

This policy aims to ensure that grievances and complaints are resolved in a timely, fair and transparent manner in accordance with the principles of natural justice.

Scope

This policy applies to grievances raised by employees, contractors and volunteers engaged or appointed by the Local Government in relation to employment or workplace related matters. This policy does not apply to complaints about the Chief Executive Officer.

Legislative References

- Section 172 of the Local Government Act
- Independent Commissioner Against Corruption Act 2017
- Public Interest Disclosure Act 2008

Definitions

Complainant is the employee, contractor or volunteer who raises a complaint.

Respondent is the employee, contractor or volunteer who is alleged to have acted in a manner the subject of the complaint.

Support Person means the person chosen by the complainant and respondent to attend meetings with them, where practicable. The role of a support person is not to advocate on behalf of anyone, but to provide emotional and practical support.

Witness means a person, including an employee, who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

Policy Application

What to do if you have a complaint

If the complainant believes they are the subject of behaviour that is inconsistent with the Local Government's Code of Conduct, policies and procedures, the complainant may raise a complaint by following the process in the Grievance Procedure.

If a complaint is about the Chief Executive Officer

If the complaint is about the Chief Executive Officer, the Grievance Policy and Procedure does not apply. A complaint about the Chief Executive Officer must be raised directly with the President

Key principles in the complaint resolution process

The following principles are necessary for the fair investigation and resolution of a complaint.

PRINCIPLE	EXPLANATION
Confidential	Only employees directly investigating or addressing the complaint will have access to information about the complaint. The Local Government may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential, including the complainant, respondent and witnesses. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint. This requirement does not preclude a complainant, respondent, witness or Local Government from seeking legal, financial or other professional advice.
Impartial (unbiased)	Both parties will have an opportunity to put their case forward. No assumptions will be made and no action will be taken until all available and relevant information has been collected and considered by either an impartial employee of the Local Government or an externally appointed investigator.
Sensitive	The Local Government will endeavor to ensure employees who assist in responding to complaints are trained to manage complaints sensitively and administer a process that is free of coercion or intimidation.
Timely	The Local Government aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.
Documented	All complaints and investigations will be documented. In formal grievance processes, records will be kept of all documents collected and drafted as part of that process. For more informal processes, a file note or note in a diary will be sufficient.
Procedural fairness	Procedural fairness in the complaint process means that: • a respondent has the right to respond to the allegations before any determination is made • a respondent has the right to be told (where possible and appropriate) who made the allegation • anyone involved in the investigation should be unbiased and declare any conflict of interest • decisions must be based on objective considerations and substantiated facts • the complainant and the respondent have the right to have a support person present at any meetings where practicable • the respondent is advised of the details of any allegations when reasonably practicable

PRINCIPLE	EXPLANATION
	• a respondent is entitled to receive verbal or written communication from the Local Government of the potential disciplinary outcome if the allegations arising from the complaint are proven • any mitigating circumstances presented to the Local Government through the grievance process are investigated and considered • any witnesses who can reasonably be expected to help with any inquiry or investigation process will be interviewed, and • all interviews of witnesses are conducted separately and confidentially.

Outcome of a complaint

If a complaint against a respondent is substantiated, there are a number of possible outcomes as detailed in the Grievance Procedure.

Victimisation of complainant, respondent or witness

A complainant, respondent or witness should not be victimised for making a complaint, being the subject of a complaint or providing information about a complaint. Anyone responsible for victimising a complainant, respondent or witness may be subject to disciplinary action, including but not limited to termination of employment.

Reporting obligations

The Local Government must comply with its obligations to report minor or serious misconduct to the Independent Commissioner Against Corruption.

Employees must also be aware of and adhere to any obligations pursuant to the Public Interest Disclosure Act 2008.

Variation to this policy

This policy may be cancelled or varied from time to time. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

Revision History

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1	28/7/2020	8.3.7.20	NA