

STAFF GRIEVANCES AND DISPUTE RESOLUTION POLICY

1. Introduction

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

Cancer Wellness Support (CWS) encourages its employees and volunteers to resolve any issues or concerns that they may have at the earliest opportunity with each other or, failing that, their immediate manager.

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

2. Purpose

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

3. Policy

CWS will establish mechanisms to promote fast and efficient resolution of workplace issues.

Employees and volunteers should feel comfortable discussing issues with their manager in accordance with the procedures outlined below.

All formal avenues for handling of grievances will be fully documented and the employee/volunteer's wishes will be taken into account in determining the appropriate steps and actions.

No employee/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 and to volunteer workers.

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STAFF GRIEVANCES AND DISPUTE RESOLUTION PROCEDURE

1. Responsibilities

It is the responsibility of **Managers** 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 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 and volunteers are treated fairly and without fear of intimidation.

It is the responsibility of **Employees (including Volunteers)** to ensure that:

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

It is the responsibility of the **CEO** to ensure that:

- All managers, employees and volunteers are aware of their obligations and responsibilities in relation to communication and information sharing with their employees/volunteers;
- Ongoing support and guidance is provided to all employees/volunteers in relation to employment and communication issues;
- All managers, employees and volunteers are aware of their obligations and responsibilities in relation to handling grievances;
- Any grievance that comes to the attention of managers is handled in the most appropriate manner at the earliest opportunity.

2. Procedures

2.1 Employment Practices

All managers should be aware of the possible ramifications of their actions when dealing with employee/volunteer issues. They must ensure that all employees and volunteers are treated with fairness, equality and respect.

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If there are any doubts or queries in relation to how to deal with a particular set of circumstances, managers should contact the CEO 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 involved is covered by an Award or Agreement, and if so should refer to that document for grievance procedures. If the employee or volunteer involved is not covered by such a document, the guidelines below should be followed.

2.2 Grievances and Dispute Resolution

An employee 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 manager as a first step towards resolution. The two parties should discuss the matter openly and work together to achieve a desired outcome.

The complainant had the right to have a support person at any meeting for dispute resolution.

The Manager should follow the steps outlined below:

- Make sure that the employee feels listened to and supported. You don't 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. you will discuss the matter confidentially with the CEO 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 bullying and sexual harassment 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) or a way to get home safely if they are visibly upset.
- 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.
- Provide the employee/volunteer with a written summary of the meeting and their signature and agreement this is a true and accurate account of the meeting and clarification of the next steps to be taken.

The Manager 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.

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All parties are to maintain complete confidentiality at all times.

If the matter is not resolved and the employee or volunteer wishes to pursue it, the issue should be discussed with the CEO. Again, the matter is to be discussed openly and objectively with management to ensure it is fully understood. If the grievance/dispute is one of a confidential or serious nature involving the employee or volunteer's Manager, the complainant may discuss the issue directly with the CEO. The CEO reserves absolute discretion as to making a final decision as to how the grievance or dispute will be resolved.

2.3 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; and
- 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 time frame;
- 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.

2.4 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 will often consider that a CEO is not sufficiently impartial because of their involvement and role in the workplace. If such a concern is raised, it's 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.

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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.

3. Related Documents

- [Board Grievance and Dispute Resolution Policy](#)
- Sexual Harassment Policy
- Bullying Policy
- [Anti-Discrimination Policy](#)
- Template: Confidentiality and non-victimisation agreement (To come)
- Template: Complaint meeting (To come)
- Template: Investigation terms of reference (To come)

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