

RAISING & RESPONDING TO GRIEVANCES POLICY ***(Discrimination, Sexual Harassment & Bullying)***

Purpose & Rationale

This procedure outlines how we raise and resolve grievances quickly, effectively, respectfully and at the appropriate level. It is underpinned by our other policies including the legal or industrial rights of an employee.

Process

This procedure also acts in line with any extra requirements in relevant Modern Awards, Enterprise Agreements or Salaried Employment Contracts.

Confidentiality

If you have a grievance, we will treat it confidentially. If you are aware of or have a grievance, you must also keep it confidential. Gossiping about a complaint is considered to be misconduct and will be dealt with under the Privacy Policy. We may also take legal action.

If you have a grievance - Steps

The following steps outline appropriate action you should take to resolve your grievance:

1. Check that your grievance is valid
2. If you feel safe, attempt to resolve the grievance with the person concerned by talking with them in person
3. If you do not feel safe to approach the person, speak with your Manager in confidence. If speaking with your Manager is not possible, contact HR to assist you.
4. If you are unable to resolve the issue having taken steps 1 & 2, you may make a formal written grievance.

Step 1: Check that your grievance is valid

You must be aware of what a valid grievance is or not. A grievance is a complaint because of unsafe working conditions, an emotional matter against a colleague or for inappropriate language, inappropriate behaviour or unwanted sexual harassment. A grievance is a complaint that may or may not be justified.

Step 2: Attempt to resolve your grievance with the person concerned

You should attempt to resolve your grievance with the person concerned where possible. It is recommended that you:

- Be respectful at all times
- Arrange a mutually suitable time to meet and speak in private

If you believe that you have been discriminated against, sexually harassed or bullied you should:

- Inform the other person that their behaviour is offensive and unacceptable
- Discuss with them what you would find appropriate and agree on future expectations

You should keep diarised notes of all incidents with details of dates, times, names, witness names and any response you made. Also keep notes on any conversations you had with others or with the person concerned about the issue.

Step 3: Speak with your Manager

If you do not feel safe to speak to the person concerned you may speak with your Manager about your options. If you agree, your Manager may approach the person to attempt to resolve the issue or you may prefer to speak with HR on the matter.

Step 4: Make a formal (written) grievance

If you are unable to resolve the issue through Steps 2 or 3, write a formal written grievance and provide it to your Manager or HR. You must sign and date your grievance and include:-

- A description of the incident(s) decision or behaviour in question
- The time and date of the incident(s) with details
- The names of any witnesses

If you make a formal (written) grievance

Kidney Health Australia take formal written grievances seriously and we take appropriate action to resolve them. The formal process will involve investigations which could take the form of a Code of Conduct investigation and may involve sessions between you and the person concerned conducted by an impartial appointed mediator.

You will not be disadvantaged in your employment as a result of your complaint. Kidney Health Australia does not tolerate any actions that be seen as retaliation or victimisation against someone who makes a complaint.

You may also refer the matter to an outside agency such as your union or professional association, the Human Rights and Equal Opportunities Commission or the Anti-Discrimination Commission.

Apply an Order to Stop Bullying

You may apply for an order to stop bullying under the Fair Work Amendment Act 2013. We recommend that you follow the process above (*If you Have a Grievance*) first so that Kidney Health Australia have the opportunity to help you resolve the issue in the first instance.

Managing Grievances

If someone you manage or supervise approaches you with a grievance, you must follow any guidelines associated in the relevant Award or agreement and:

- Interview the person making the complaint as soon as possible
- Make a written record of the details of the complaint, noting dates, times statements made and any other relevant details. Ask the person making the complaint to check and sign the record to ensure it is accurate and then advise HR.
- Offer to arrange counselling with our appointed Employee Assistance provide D'Accord 1300 130 130
- Undertake initial investigations to determine what appropriate action is required applying sound judgment in consultation with HR to determine whether to recommend or begin formal mediation or investigations or formal performance counselling.

If a Grievance is Made Against You

If a complaint is made against you, you will not be pre-judged. You will have an opportunity to tell your side of the acquisition and may bring someone with you at the time of interview or investigation for support. We deal with all grievances as quickly as possible.

Possible Outcomes of Grievance Investigations

After an investigation is completed we will determine whether a grievance is valid or not.

Valid Grievances

If a grievance is found to be valid, we may take formal action against the person concerned. This may include a warning, transfer, counselling, demotion or termination of employment or placement, depending on the circumstances.

Invalid Grievances

If it is concluded that a grievance to be false, unreasonable, vexatious or superficial, we may decide to take action against the person who raised the grievance. Depending on the seriousness of the allegations, this may include counselling, an official warning, demotion, dismissal or requiring you to provide a written apology to the person who you made a complaint against.

Keeping Records of Grievances

We are required by law to keep all records relating to grievances confidentially for the period of employment or placement plus seven years.

Document Information

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Revision History

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