

Procedure

GRIEVANCE AND INDUSTRIAL RELATIONS

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Policy:	All personnel, contractors and volunteers will have the opportunity to raise grievances (issues with position, working conditions, or work colleagues) and resolution will be promoted by consultation, co-operation and discussion. All conflict and grievance issues will be promptly, fairly, confidentially and seriously actioned. The exact action taken is dependent on the situation, but will meet legislative requirements
Scope:	All personnel, residents/clients.
References:	Fair Work Act 2009; Fair Work Regulations 2009 (<i>Cth</i>) AS/NZS ISO 9001:2008/Amdt 1:2012 Quality management systems AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines Accreditation Standards (Aged Care Act 1997 (<i>Cth</i>) and Quality of Care Principles 2014 (<i>Cth</i>)): 1.2, 1.6 Health Records Act 2001, Privacy Act, 1988, Privacy Amendment (Private Sector) Act, 2000, Privacy Amendment (Enhancing Privacy Protection) Act, 2012 Aged Care Act 1997 (<i>Cth</i>) Equal Opportunity Act 2010.
Legal obligations	<ol style="list-style-type: none"> Grievances regarding refusal of a job, dismissal or unfair treatment because of discrimination can be reported directly to the Fair Work Ombudsman to have the matter investigated, on www.fwo.gov.au or the Fair Work Infoline, ph: 13 13 94 Monday to Friday, between 0800–1800 Unlawful termination: If due to: race, colour, sex, sexual preference, age, physical/mental disability, marital status, family/carer's responsibility, pregnancy, religion, political opinion, national extraction or social origin, illness/injury, trade unions, maternity/parental leave or because of filing a complaint must be reported to Fair Work Commission within 21 days of termination Unfair dismissal: Harsh, unjust or unreasonable dismissal must be reported the Fair Work Commission within 21 days of dismissal

ITEM / WHO	KEY STEPS	CLARIFICATION
1 Manager / HR Manager	Grievances and Conflicts	<ol style="list-style-type: none"> The Manager notifies the HR Manager immediately for direction The complainant may request a representative at any stage in the process Depending on the severity or number of complaints it may be deemed necessary to engage the services of an external investigator to interview and take statements from all parties prior to any further action being taken.
2 Manager & HR Manager	Conflict Resolution	<ol style="list-style-type: none"> Facilitates discussion between the involved parties If no resolution, or the complainant does not wish to meet, the complainant is encouraged to meet with Management Investigates and recommends a resolution (Grievance Report) on the basis of the information provided Engages an outside arbitrator to intervene and provide a ruling if any party does not accept the recommendation

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2 Manager / HR Manager	Grievances	<ol style="list-style-type: none"> 1. The complainant is encouraged to initially raise it with the other person concerned and attempt resolution 2. Usual work practice continues until resolution 3. If unresolved, (or the complainant does not wish to approach the other person) the complainant raises it with their manager/supervisor and completes a Grievance Report 4. Investigates in consultation with the HR Manager 5. Conducts a documented meeting (Grievance Report) with the complainant and the other person concerned within three (3) business days (HS grievances, are actioned within one (1) working day) of being raised (as appropriate to the situation) 6. Mediates to facilitate a resolution which is documented and followed up Grievance Report 7. Resolved: Files the Grievance Report in the complainant's Personnel file with a copy provided to the complainant and another filed in the file of the other person 1. If the complainant believes the resolution is not adequate, it is referred to the next level of management and meetings, investigation and referrals continue 2. If a staff grievance remains unresolved, it is referred to the Fair Work Ombudsman, whose decision is final 3. Other unresolved grievances (i.e. not staff) are referred to the Victorian Equal Opportunity and Human Rights Commission 4. Usual work practice continues until resolution 8. Files the Grievance Report in the complainant's Personnel file with a copy provided to the complainant and another filed in the file of the other person
3 All employees	Industrial Relations: Personnel	<ol style="list-style-type: none"> 1. May request an industrial relations / union representative or other representative at any time 2. Management fosters a cooperative relationship with representatives
4 Manager	Monitoring	<ol style="list-style-type: none"> 1. This procedure is audited and reviewed at least 3 yearly and according to organisational risk as per Audit and Internal Assessment Schedule, with planned reviews documented on the Master Document Register 2. Data and statistics: Incident Reports, Comments and Complaints System, Management Report, performance management are analysed and plans developed to improve outcomes for residents, the service and personnel