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| Victorian Landcare Facilitator Program |
| Grievance Policy (Template) |

## Introduction

This Grievance Policy provides information on procedures for handling grievances at Organisation Name, including how to make a complaint, how to deal with a complaint or grievance, and how to support persons through the grievance process.

## Policy statement

This Grievance Policy applies to all Organisation Name’s workplace participants – including employees, committee members, contractors, project partners, clients, consultants, suppliers, volunteers and the public.

Organisation Name is committed to maintaining a workplace that encourages collaboration, trust, cooperation, and communication, where all people are treated with dignity and respect.

However, on occasions where inappropriate behaviours occur, a complaint and grievance process are required to resolve the matter.

## What is a grievance?

A workplace grievance is a complaint raised by a workplace participant due to a violation of legalities.

Some examples of workplace grievances can include:

* Bullying and harassment
* Discrimination
* Workplace health and safety
* Work environment
* Organisational changes
* Terms and conditions of employment

## Who can make a complaint?

Any person can make a complaint. This may include employees, committee members, contractors, project partners, clients, consultants, suppliers, volunteers and the public.

**What is dispute resolution?**

Dispute resolution refers to the processes by which complaints can be resolved. This can occur through:

1. a negotiated outcome, where the parties concerned to resolve the complaint between themselves
2. a mediated outcome, where the parties use the services of an independent mediator to help them arrive at their own agreement, or
3. an arbitrated or adjudicated outcome, where an independent arbitrator or court determines how the dispute is to be resolved and makes a binding decision or order to this effect.

## Resolution procedures

1. **A negotiated outcome (informal resolution)**

Most complaints are reported as verbal grievances about minor matters that can be resolved informally, ideally with the relevant person. Complaints should be resolved early to avoid escalation.

Any person who is dissatisfied after that initial attempt at resolution should raise the issue in the first instance with a supervisor or executive committee member, who must initiate routine management or governance processes to resolve the issue.

1. **A mediated outcome (initiating a formal grievance)**

If the person is dissatisfied with the response or the outcome of an issue that the person raised with a supervisor or executive committee member, the person may lodge a formal notification of a grievance.

A formal Grievance should be directed in writing to Position Title of Organisation Name and:

* clearly indicate the grounds of the grievance;
* provide supporting documentation where appropriate; (dates, names, places & circumstances relating to any incidents);
* detail the desired resolution; and
* be lodged within a reasonable time of the conduct or decision complained of.

Once a formal complaint is received, mediation is a proactive way an organisation can resolve complaints.

Should the support of an external entity be required to support the mediation process, the **Dispute Settlement Centre of Victoria** (DSCV) provides a range of confidential dispute resolution services to all Victorians, including for mediation for workplace disputes. The DSCV services are provided free for community-based organisations in Victoria. The DSCV can organise face-to-face mediations where the parties to a dispute use the services of DSCV mediators to explore the issues in dispute and help the parties work together to reach their own agreement.

1. **An arbitrated or adjudicated outcome**

If the matter is not resolved, either party may refer the matter to one of these other authorities where appropriate:

**Fair Work Ombudsman**

The Fair Work Ombudsman provides a range of free services including:

* providing reliable and timely information about Australia’s workplace relations system
* educating people about fair work practices, rights and obligations
* resolving workplace issues by promoting and monitoring compliance with suspected breaches of workplace laws, awards, and registered agreements
* enforcing workplace laws and seek penalties for breaches of workplace laws
* enforcing certain orders made by the Fair Work Commission.

**Fair Work Commission**

The Fair Work Commission provides support with:

* how to bargain in good faith and to make, vary or terminate enterprise agreements
* applications relating to ending employment including unfair dismissal, unlawful termination, or general protections
* applications for an order to stop bullying at work
* making orders about industrial action, including strikes, work bans and lock outs
* providing mediation, conciliation and in some cases holding public tribunal hearings to resolving various individual and collective workplace disputes
* making workplace determinations, hearing and deciding on equal remuneration claims, and dealing with applications about the transfer of business, stand down, general protections, and right of entry disputes.

**Victorian Equal Opportunity and Human Rights Commission**

Manages matters regarding discrimination, sexual harassment, and racial or religious vilification.

**Victorian Ombudsman**

For breaches of the Charter of Human Rights and Responsibilities Act 2006.

**WorkSafe**

For workplace health and safety issues, including workplace bullying.

## Definitions

**Grievance:** an actual or perceived wrong considered as grounds for complaint.

**Dispute:** a dispute exists if:

* + two or more parties have difficulty working together (e.g. due to a conflict of personalities or ideological differences); and
  + the situation is unduly affecting the ability of an individual, or the parties collectively, to perform their duties effectively or efficiently.

**Complaint**: an expression of concern, dissatisfaction, or frustration with the quality, or delivery of a service, policy, or procedure, or the conduct of another person.

**Discrimination:** unlawful discrimination occurs where an individual takes adverse action against another based on race, colour, sex, sexual orientation, age, physical, or mental disability, marital status, family or carer’s responsibilities, pregnancy, religion, political opinion, national extraction, or social origin.

**Bullying:** an employee is subject to workplace bullying if the person is subjected to repeated behaviour by another person, including the employee’s supervisor, co-worker, committee/Board member, or a member of the community that:

* is unwelcomed and unsolicited;
* the person considers being offensive, intimidating, or threatening, and
* a reasonable person would consider being offensive, humiliating, or intimidating.

**Harassment:**any form of ongoing behaviour that is not welcome, not asked for or not returned, and that offends, intimidates, or humiliates a person. It includes sexual harassment.

## Further information regarding industrial instruments

The Fair Work Act 2009 (FW Act) requires that all modern awards include a term that sets out a procedure for resolving disputes between employers and employees about any matter arising under the modern award and the [National Employment Standards](https://www.fairwork.gov.au/employee-entitlements/national-employment-standards).

Further information is available in the Fair Work Ombudsman’s [Best Practice Guide to Effective Dispute Resolution.](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/effective-dispute-resolution)