

# Grievance Resolution for On-hired Employees Procedure

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## HISTORY OF ISSUE & REVISIONS

REV NO	PARTICULARS	APPROVED BY	DATE	REVIEW DATE
0	• First issue	CEO	Aug 22	Aug 24

# Grievance Resolution Procedure for On-hire Employees

## 1. Purpose

### Company Commitment

The Company is committed to providing a supportive work environment where employees feel satisfied that their concerns can be dealt with appropriately.

With that in mind, this *Grievance Resolution Procedure for On-hire Employees* has been designed to emphasise the importance of employees and management taking responsibility for resolving disputes in the workplace in a timely and professional manner.

The purpose of this procedure is to provide a fair process for employees to raise a complaint or inquiry subject to applicable workplace law entitlements as follows.

- Fair Work Act 2009
- Work Cover and OHS instruments
- Company policies and procedures
- Any other applicable legislative instrument

This procedure is to be used in conjunction with the following company policies and procedures:

- Workplace Behaviour Policy
- Code of Conduct Policy
- Drug and Alcohol Policy
- WHS Policy Statement

There are an established range of outcomes, such as an apology, transfer, disciplinary action or dismissal.

## 2. Related Documents

Policy	NAT APOL 128	<i>Discrimination Harassment and Bullying Policy</i>
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## 3. Definitions

The **Company** in this Procedure refers to Bayside BWE and the entities and trading names operating within the following brands:

- Acclaimed Workforce
- Balpara
- Bayside Group
- NineWire

and any other entity which the Directors may from time to time assign to the Company.

**Employee** is anyone who is an on-hire employee howsoever employed by the Company including an apprentice, trainee, work experience student, volunteer, secondee, contractor or any other person performing work or services for or on behalf of the Company.

**Company Consultant/Manager** is a Company Representative who directly or indirectly manages the Employee's on-hire assignment.

## 4. General Principles

The Company is committed to dealing with any grievance as promptly and confidentially as possible, professionally and with sensitivity.

An Employee who raises a grievance will not be subject to any disadvantage in their relationship with the Company by reason of doing so.

When responding to a grievance, the Company will ensure the aggrieved Employee is not subject to discrimination, victimisation or harassment for raising the grievance.

## **5. Responsibilities**

### **5.1 Employees**

All employees have a responsibility to provide a supportive and productive work environment. It is everyone's responsibility to treat others with respect and dignity and give everyone a fair chance. In the case of a grievance, dispute or concern it is the employee's responsibility to follow this Procedure.

### **5.2 Supervisors and Managers**

Supervisors and Managers are accountable for the implementation of this Procedure and where necessary to enforce it.

## **6. Guidelines for Employee Grievance Resolution**

### **6.1 Employee Resolution**

Employees are encouraged to discuss their grievances or concerns directly with the person who has inflicted the grievance. Employees should inform the person they have a grievance with, that they find their behavior unacceptable and in breach of one of the company or host company's policies (if it is a discrimination, harassment or bullying or other issue directly prohibited by the Company's policies) The majority of problems should be resolved without further escalation. Dealing with problems at their source is the quickest and most efficient way to resolve them.

If the circumstances are such that it may be uncomfortable for an employee to express the grievance or concern directly to the person/s involved, they may proceed to the next stage.

### **6.2 Resolution by Immediate Supervisor**

If the grievance cannot be resolved in the first instance, the employee should speak to their direct Host Supervisor and Company Consultant about the grievance. This should be done within five (5) working days of the grievance or concern having occurred or of the employee becoming aware of the problem.

The Host Supervisor and Company Consultant must attempt a satisfactory resolution to the concern in a timely manner.

If the circumstances are such that it may be uncomfortable or inappropriate for an employee to express the grievance or concern to their Host Supervisor, they may raise the issue with their Company Consultant or any Company Manager.

### **6.3 Mediation and Conciliation**

If at this stage, the grievance cannot be resolved, the Employee and Company Consultant /Manager should discuss the grievance and the previous attempts at resolution with the Company Human Resource Department.

The Human Resource Department must attempt a satisfactory resolution in a timely manner. Resolution may involve mediation or conciliation. Once a resolution has been reached and agreed upon, this must also be documented, agreed by, and signed by, the Employee, HR Representative and any other parties involved.

### **6.4 Formal Grievance**

Any further escalation should be made in writing by the Employee to the Company Human Resources Department or Company CEO. The Employee's grievance should contain a sufficient chronological account of what has transpired.

The Company Human Resource Department, Company CEO or person nominated by the CEO will investigate thoroughly, impartially, and where possible, confidentially.

The Company Human Resource Department or Company CEO will write to the Employee informing them of the investigation and outcome and any decisions made.

#### **6.5 Further Escalation (External)**

If the issue still remains unresolved, either party may refer the matter to an appropriate external commission or authority to resolve. This may include but not limited to Fair Work Australia or VRQA if this escalation applies to an apprentice or trainee where the apprenticeship or traineeship is at risk of not being completed.

#### **7. Frivolous or Vexatious Grievances**

If an Employee has been found, to have made a complaint, inquiry or having raised a workplace right, without a genuine belief in the truth of the matters being alleged, then the complainee may be subject to disciplinary action in accordance with the Company's Disciplinary Procedure.

#### **8. Confidentiality Requirements**

All employees involved in the grievance are required to not to disclose confidential or commercially sensitive information obtained during their employment to the fullest extent permissible by law.

#### **9. Documentation**

The Company Consultant/Manager must ensure a copy of all documentation is stored securely.

**End of procedure**