

EMPLOYEE GRIEVANCE PROCEDURE

1. PURPOSE

This procedure serves to support a workplace culture of fairness and equity. The purpose of this procedure is to inform employees of their rights and responsibilities in relation to grievance handling. This ensures that any potential grievance is addressed in an appropriately supportive and fair manner.

2. SCOPE

This procedure applies to all CGH employees and management. This document should be read in conjunction with the CGH Code of Conduct, workplace policies including Harassment Free Workplace Policy, Disciplinary Procedures, and relevant legislation.

3. ROLES & RESPONSIBILITIES

The Branch Manager/ General Managers:

- Provide adequate support to people responsible for receiving and handling employee grievances and assist them in resolving them promptly.
- Maintain absolute confidentiality.

Human Resources Manager

- Responsible for ensuring that this Procedure is consistently applied throughout the organisation, by providing training, support and advice to management and staff.

Employees

- Treat all people with respect.
- Understand and comply with CGH's Employee Grievance Procedure and related Policies.
- Every employee has a responsibility to respect the rights of others and must not condone or ignore harassment or inappropriate behaviour.
- Employees are encouraged to come forward with their grievances in the knowledge that their line manager will take prompt action to address complaints.
- Provide feedback to management on issues arising from grievances.

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 1 of 9	Issue date: 28/03/2023
		Review date: 01/12/2027

4. REFERENCE DOCUMENTATION

- Harassment Free Workplace Policy
- Code of Conduct Policy
- Disciplinary Procedure

5. DEFINITIONS

Grievance – any behaviour or action of an employee or group of employees that has a significant negative impact on another employee or group of employees in undertaking their normal duties. Such behaviour may include:

- Inappropriate assignment of responsibilities
- Workplace bullying
- Harassment
- Victimization
- Sustained conflict that may take place on or off the work site.

Complainant – the person(s) making the complaint

Respondent – The individual(s) against whom the complaint is made

Investigating Officer – An individual appointed to investigate the grievance

Defamatory – False or derogatory, written or verbal statements, about an individual.

Procedural fairness or Natural Justice – A process that displays fairness to all parties, includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond and/or defend allegations.

Support person – A witness selected by the employee, if desired, who is present during interview. The support person may be a fellow employee, union representative or friend of their choice.

Direct discrimination – Person(s) are treated less favourably because of their sex, sexual preference, marital status, carer status, pregnancy or potential pregnancy, age, race/ethnicity, disability, HIV/Aids status, religious beliefs, trade union or political affiliation or any other ground covered by anti-discrimination legislation.

Indirect discrimination – Everyone is treated the same but in a way that is or is likely to disadvantage employees of one sex, race etc and is unreasonable.

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 2 of 9	Issue date: 28/03/2023
		Review date: 01/12/2027

Harassment – Behaviour that is unwanted and unreciprocated. Behaviour that offends, humiliates or intimidates the other person(s). Behaviour that, in the circumstances, a reasonable person should have expected would offend, humiliate or intimidate another. Behaviour that targets them for less favourable treatment because of any of the grounds covered in anti-discrimination legislation.

Sexual Harassment – Unwanted behaviour of a sexual nature, including:

- Physical contact
- Leering
- Repeated requests for dates (particularly after refusal)
- Requesting or suggesting sexual favours
- Displays of sexual or sexist materials (including electronic)
- Sexist or sexual jokes
- Comments that stereotype people on the basis of their sex

Bullying – Repeated, unreasonable behaviour that is directed toward another person or group of people, that creates a risk to health and safety. Examples of bullying behaviour may include:

- Attacking a person's strengths, abilities, competencies or intelligence
- Manipulation
- Intimidation
- Physical and psychological abuse
- Isolating or excluding a person
- Persistent criticism

Victimisation – Any unfavourable treatment of a person because of their involvement in a grievance procedure.

Confidentiality – Limiting disclosure of information relating to a grievance to only those people who are legitimately involved in the process of resolving the grievance.

Contact Officer – The first point of contact for employees to seek guidance on handling the grievance. Able to advise the employee on how to escalate the grievance.

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 3 of 9	Issue date: 28/03/2023
		Review date: 01/12/2027

6. PROCEDURE

6.1 PROMPT RESOLUTION

Grievances should be dealt with confidentially, impartially, sensitively, as quickly and as informally as possible.

6.2 SUPPORT PERSON

A Complainant or Respondent may seek the assistance from the designated contact person, or colleague and should always be offered the opportunity for a Support Person in attendance during the grievance process.

6.3 FIRST RESPONSE

Any Contact Person or Manager who is made aware of a complaint must:

- Listen to the Complainant's concerns and gather such information as required to assist in the resolution of the grievance.
- Explaining the Grievance Procedure, provide the Complainant with a copy and the range of options open to them.
- Assess how serious the grievance is. If it is serious enough to lead to disciplinary action (if substantiated) the Line Manager will inform the Complainant that they have a duty of care which requires them to confidentially discuss the matter with Human Resources. Discuss with the Complainant, how they may resolve the matter themselves in the first instance and ascertain what the Complainant's preferred outcome is.
- Explain to the Complainant that if he/she wishes to remain anonymous, further action may be unable to be taken, as natural justice requires that the Respondent is given details of allegations and has the opportunity to respond.
- Note: Complainants may be subject to disciplinary action should the grievance be found to be malicious, vexatious or defamatory.

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 4 of 9	Issue date: 28/03/2023
		Review date: 01/12/2027

6.4 CONFIDENTIALITY

Where, in the opinion of the Human Resources Manager, the identification of the Complainant could adversely affect the Complainant, attempts may be made to resolve the grievance in ways that do not involve disclosing the identity of the Complainant.

If the Human Resource Manager consider that it is not possible to proceed in attempting to resolve the grievance without divulging the name of the Complainant they will:

- Inform the Complainant and provide reasons why disclosure is necessary
- Inform the Complainant they must agree to be identified or the grievance cannot proceed.

6.5 INVESTIGATION

The Line Manager should try to elicit specific details for the alleged harassment, such as:

- The type of conduct
- Frequency of conduct
- Times / dates of conduct
- The circumstances in which the conduct occurred
- Precise physical details
- The effect on the Complainant

The Line Manager / Human Resources Manager should then identify if the Complainant requires counselling or any other form of support.

6.6 REMEDIES FOR BREACH

It is not generally possible to determine in advance appropriate or sufficient disciplinary action before it is fair reasonable to terminate an employee as a result of the outcome of a grievance process. CGH acknowledges that flexibility is required throughout the grievance process in order that each case is considered on its own merits, and suitable consequences determined.

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 5 of 9	Issue date: 28/03/2023
		Review date: 01/12/2027

Should a complaint be upheld, consequences for the Respondent are dependent on the severity and regularity of the complaint and may include:

- Counselling / mediation of the parties
- Counselling and education of the Respondent
- Increased workplace supervision of the Respondent
- A formal apology by the Respondent to the Complainant
- Disciplinary action against the Respondent which may result in:
 - A formal warning being issued
 - Summary dismissal

6.7 INFORMAL GRIEVANCE

Where a grievance exists, it is best to try, in the first instance, to resolve the matter informally with the aim of settling the grievance at the lowest possible level.

Complainants are encouraged to speak directly with the person(s) concerned to explain to them the Complainant considers their behaviour inappropriate and / or offensive and that if the behaviour continues, they may report the matter for investigation.

Complainants should also keep thorough documentation that outlines:

- The date(s), time(s) and location(s) of each offence
- Details of witnesses present the time it occurred
- Any discussions with the Respondent in relation to resolution of the grievance

If it is not possible or appropriate to speak directly with the person(s) concerned, the Complainant should take the matter to their Line Manager. If the grievance involves that person, the matter should be referred to the next appropriate manager or Human Resources Manager to investigate.

Upon receiving a notice of an informal grievance, the Line Manager / Human Resources Manager will conduct a preliminary investigation into the substance of the grievance.

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 6 of 9	Issue date: 28/03/2023
		Review date: 01/12/2027

If resolution of the grievance has not been achieved for any reason, the Complainant may seek resolution of the grievance through formal grievance procedure.

6.8 FORMAL GRIEVANCE PROCEDURE

Formal procedures are normally only invoked when a grievance cannot be resolved by informal means

Notification of a formal grievance must be lodged in writing with the Complainant's Line Manager, outlining the nature and details of the specific allegations. If the grievance involves that person, the matter should be referred to the next appropriate Manager or Human Resources Manager for investigation.

The Line Manager / Human Resources Manager will conduct a preliminary investigation into the grievance to ascertain whether the grievance has had a significant adverse impact on the Complainant's ability to carry out his / her duties.

An investigation involves demonstrating that the alleged incident did or did not take place. In other words, was the complaint substantiated or unsubstantiated.

The Human Resources Manager will inform the Chief Operating Officer and the Respondent of the complaint. Depending on the severity of the complaint, the Chief Operating Officer may become involved in the investigation or continue to consult with the Human Resource Manager on action to be taken

The Respondent should be advised that the intention of the investigation is to:

- Outline CGH's legal obligations in relation to grievance handling
- Ascertain a fair outcome which protects the interests of all parties
- Advise the Respondent of the allegation(s) and by whom the allegation(s) have been made
- Allow the Respondent to put their case forward and respond to each allegation
- Advise the likely time frames to complete the investigation
- Caution the Respondent against victimisation against the Complainant

Where deemed appropriate, CGH may choose to appoint an independent third-party advisor to investigate the grievance.

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 7 of 9	Issue date: 28/03/2023 Review date: 01/12/2027

6.9 SUBSTANTIATED CLAIMS

A substantiated complaint is a complaint which, on the evidence available is, on the balance of probabilities, likely to be proven.

If a complaint is found to be substantiated the Human Resources Manager will consult with the relevant Manager to determine what action is considered necessary.

The Human Resources Manager will write to both the Complainant and Respondent indicating the outcome of the investigation and specifying any action that has been agreed by the parties

6.10 UNSUBSTANTIATED CLAIMS

An unsubstantiated complaint is one which cannot be proven or disproven due to a lack of evidence or conflict in the evidence available.

Where a complaint is found to be unsubstantiated, the Human Resources Manager will advise the Complainant and Respondent. The Line Manager will then be responsible for monitoring the situation to ensure that there are no reprisals against the Complainant

If the complaint is found to have been malicious or defamatory on the part of the Complainant the Human Resources Manager, in consultation with the Chief Operating Officer, may recommend that the Complainant be subject to disciplinary action.

6.11 APPEAL PROCESS

In the event that a Respondent or Complainant believes that the investigation is not being conducted fairly, or is dissatisfied with the outcome of the investigation, the Respondent or Complainant may appeal against the determination to the Chief Operating Officer or engage an external advisor, at their own expense.

6.12 VICTIMISATION

Victimisation is when a person receives less favourable treatment because it is suspected or known that they have:

HRPRO018	Author: B. Jensen	Approved by: N. Hunter
Rev: 1	Page 8 of 9	Issue date: 28/03/2023
		Review date: 01/12/2027

- Made or propose to make a complaint, or has brought or proposes to bring proceedings under any of the anti-discrimination laws
- Provided information or documents in relation to a complaint
- Attended a conference in relation to the complaint
- Associated with another person who has made a complaint

Such treatment is unlawful and will not be tolerated. Disciplinary action may be taken against anyone who victimises or retaliates against someone who has instigated a complaint under this Procedure.

7. RECORDS MANAGEMENT

Confidential records will be kept of all incidents on the Respondent's personnel files for a period of 12 months after resolution of the grievance procedure.

Changes made to this document since its last issue, which affect its scope or intent, are detailed in the below table.

Amendment Date	Version	Description of Amendment since last version
28/03/2023	V1	