



GRIEVANCES POLICY AND PROCEDURE

A.M.Y. Nominees Pty Ltd is committed to providing and maintaining a safe and healthy workplace for all workers (including contractors and volunteers) as well as clients, visitors and members of the public. All grievances raised will be suitably addressed and processed according to this procedure.

PURPOSE

The purpose of this policy and the procedures below is to provide a framework for managing grievances raised by employees of all Antakarinja Matu-Yankunytjatjara (AMY) AMY Nominees entities.

There is also a form attached which must be used as specified ('Workplace Grievance Complaint Form').

The policies and procedures, and the form, only apply to employees and do not apply to Contractors, Community members or other persons wishing to raise a grievance with AMYAC.

POLICY

AMY Nominees is committed to ensuring that grievances raised by employees are handled properly. To ensure that this happens it is essential that grievances are correctly categorised and that the appropriate procedures are followed.

Grievances may fall into the following categories:

- **Industrial** – where the issue relates to employment conditions. The Dispute Resolution clause in the relevant Award will apply where the employee's position is covered by an Award.
- **Workplace Bullying/Sexual Harassment/Anti-Discrimination & Equal Opportunity** – there are separate, specific policies about those issues.
- **Operational** – if staff have concerns about operational issues not related to their employment conditions. These may also be dealt with through the use of Incident Reports in appropriate circumstances.
- **Other Individual Grievances** – that relate to employment but are not related to actual employment entitlements, nor arise from bullying, sexual harassment or discrimination. For example, an employee may have a grievance about duties or may have a problem with another staff member that is not bullying.
- **Workplace Health & Safety** – there are specific provisions for dealing with these issues that are covered by legislation and WH&S policies. (This Grievance Policy and associated procedures will not apply to such matters).

References

- Workplace Bullying Policy & Procedures
- Sexual Harassment in the Workplace Policy & Procedures
- Anti-Discrimination & Equal Opportunity Policy & Procedures
- Dispute Resolution Procedures in relevant Modern Award (if applicable)

PROCEDURES

The following procedures will apply to grievances raised by employees:

Primary Consideration

An employee with a grievance should firstly consider whether the grievance can be dealt with informally, by discussing the issue with the other person concerned if it is a grievance about another employee; if there is a good reason not to, or if that is unsuccessful, the matter should be raised with the employee's immediate supervisor/manager. If the issue concerns the supervisor, the employee should attempt to resolve the issue with that person in the first instance and if that is unsuccessful, the employee may elevate the issue to AMY Nominees management level. At this point, the employee may explore the issue informally or may lodge a formal grievance. If management considers that the issue is not capable of informal resolution or informal resolution has been unsuccessful, management may request the employee to lodge a formal grievance. If the employee is unwilling to do so, the grievance may not be able to be addressed further. A formal grievance may also be requested if management has concerns about whether the grievance is genuine, or if there is a potential legal requirement to deal with the matter.

- Is Informal resolution with person concerned possible?
- If not comfortable with immediate Supervisor or Manager?
- If grievance with direct Supervisor, approach AMY Management level.
- If not informal resolution, issue needs to be put in writing for a "Formal Grievance"
- Only Formal Grievances to progress further

Confidentiality & Informal Grievances

An employee may request that an informal grievance remain confidential; however, in many circumstances it is not practical to deal with a grievance without addressing it with the person about whom it has been made. This may be a determining factor in declining to deal with an informal grievance i.e. management may decline to deal with an informal grievance on the basis that it cannot be resolved without informing the person whom the grievance is about. Any informal grievance will otherwise remain confidential where requested by the employee raising it. If an informal grievance raises a serious matter, management may have to take action whether or not the employee wishes to raise the matter formally.

Formal Grievances

A formal grievance will require the completion of the form 'Workplace Grievance Complaint'. The form must be provided to the relevant Supervisor, who will then be responsible for forwarding it to the General Manager (GM). Employees can seek assistance from a Support Person or representative to complete the form if necessary, but confidentiality should be observed. If the grievance is about a supervisor the form must be given to the GM. As a formal grievance may result in changing a decision or arrangements that apply in the workplace and may in extreme circumstances involve disciplinary action against another staff member or may involve

external bodies, confidentiality may be limited. The general principle to be applied is that information should only be released on a 'need to know' basis, however other staff will usually be entitled to know the details of allegations against them (if applicable) when a grievance is pursued or the reasons why a decision has been changed.

Conflict of Interest/Natural Justice

As a matter of principle, the review of any initial decision should normally be undertaken by someone other than the original decision maker. In an organisation the size of AMY Nominees, this may present difficulties. Depending on the circumstances this may mean that reviews of decisions may need to be undertaken externally or by the Board.

Any Supervisor, including the GM, prior to dealing with a grievance, should consider whether there is a potential conflict of interest e.g. through a close or family relationship with the complainant or anyone else directly involved in the grievance. If there is the possibility of an actual or perceived conflict, the grievance should be allocated to another senior staff member or an external service provider to deal with.

Board of Management

The Board of Management will usually not be directly involved in staff grievances, whether collectively or individually. Board members are not supposed to be involved in day-to-day management matters, discussing employment conditions or issues with individual staff members, or intervening in grievance matters on behalf of employees. There are some exceptions:

If there is a formal grievance lodged against the GM in relation to alleged workplace bullying, sexual harassment or unlawful discrimination, it is permissible for an employee to lodge the grievance form direct with a Board member or with the Board. In such circumstances the Board should seek external advice. Individual Board members should not attempt to deal with such complaints.

If a matter involves significant change or expense or is otherwise beyond the delegated capacity of the GM to make a final decision about, the GM may raise the matter for consideration by the Board. To be clear, if the GM is unable to resolve a matter, the GM may refer it to the Board. Otherwise, the GM's decision will be final.

There is no right for another employee to 'appeal' a legitimate decision to the Board, but that does not take away any rights that employees may have to 'challenge' decisions externally, e.g. through the Fair Work Commission, Australian Human Rights Commission.

There may be issues where the GM should report the outcome of grievances to the Board as part of regular reporting arrangements.

In the event that a staff grievance is dealt with by the Board, individual Board members should ensure that there is no conflict of interest as referred to above.

Frivolous or Vexatious Grievances

An employee that raises an informal or formal grievance that is found to be clearly frivolous and vexatious may be subject to disciplinary action and may also be subject to personal legal liability.

Frivolous means that the grievance has little or no substance and what is being sought by the person lodging it is clearly unrealistic.

Vexatious means that the grievance has been made with malicious intent.

Attachment to Employee Grievance Policy & Procedures

- Workplace Grievance Complaint Form.

Our goal is to provide a safe and healthy work environment that is free from workplace injury and illness. This will only be achieved through the participation, co-operation and commitment of everyone in the workplace.

Name: Bill Ryan Position: General Manager
Signature: _____ Date: 29 June 2020
Review date: 30 June 2021