

# ANC Grievance Resolution Policy

## Policy Statement

ANC is committed to maintaining a workplace that encourages collaboration, co-operation and communication. It is recognised, however, on occasions inappropriate behaviours or matters may occur and that a grievance process may be required in order to resolve grievances or complaint about these matters.

This policy aims to ensure grievances are handled and resolved in an appropriate, fair, transparent and timely manner, and in accordance with the *principles of natural justice*.

## 1. Scope

This policy applies to all workplace participants which include; employees, contractors (and their employees), consultants, visitors, volunteers and labour hire of ANC.

It applies to these people in all their work-related interactions with each other, with a contractor, and with clients or customers. Whether they are in the workplace or off site, at work-relation functions (including social functions and celebrations), while on trips, attending conferences or training seminars.

## 2. Definitions

<i>Allegation</i>	A statement by a complainant describing the alleged incident.
<i>Complainant</i>	An individual who makes a complaint.
<i>Complaint</i>	An expression by a complainant of concern, dissatisfaction, or frustration with an aspect of the complainant's participation as a member of ANC, concerning matters such as the quality or delivery of a service, a policy or procedure, a decision, or the conduct of another person which arises from a grievance.
<i>Grievance</i>	An alleged wrong or hardship suffered, which is the grounds of a complaint related to the work environment.  It may arise, for example, from any action or inaction, behaviour, situation, or decision impacting on a workforce member that he/she thinks is unfair, discriminatory or unjustified.
<i>Principles of natural justice</i>	The principles which underpin procedures used when making a decision.  Often the term 'procedural fairness' is used interchangeably with the term 'principles of natural justice'.  The practice it includes: <ul style="list-style-type: none"> <li>- The respondent is to be treated as innocent until such time as the complaint is established</li> <li>- Any complaint should be investigated promptly</li> </ul>

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- The substance of the complaint must be put to the respondent
- The respondent must be given the opportunity to provide a response to the complaint

**Respondent** The individual/s against whom the complaint is made and who must be provided with an opportunity to respond to the complaint.

**Support person** Person who, being reasonably available for the purpose, is selected by a complainant (or a respondent) to provide support to him/her during an investigation meeting.

Other than in exceptional circumstances, a support person cannot act as an advocate during the meeting.

The support person cannot answer questions on behalf of the complainant (or the respondent).

**Victimised** Occurs when an individual who has made a complaint in good faith suffers a negative consequence from ANC or any person on behalf of ANC because of raising that complaint.

### 3. Grievance Process

#### How will your Grievance be Handled?

Your grievance will be treated with the utmost confidentiality, and it is important that you also maintain confidentiality in order to avoid idle gossip and the possibility of defamation proceedings.

Any grievance made will be treated seriously and investigated in an impartial manner. This may mean that you, the person complained about, and any witnesses will be interviewed. No decision will be made until the investigation is complete.

Any person making a grievance will not be treated unfairly or victimised as a result. If a grievance is made against you, be assured that you will not be prejudged. You will have an opportunity to respond, and you may at any time have a support person accompany you.

Each grievance will be dealt with in as short a time as is possible due to the circumstances of the grievance.

#### What are your Options if you do have a Grievance?

**Informal options** can include mediation, conciliation or discussions facilitated by your HR manager or immediate supervisor/manager.

Where informal resolution options are not appropriate, (e.g. allegations of serious misconduct, discrimination or sexual harassment), your HR manager/immediate supervisor/manager will work with you to initiate a formal investigation of the grievance. Further reference should be made to ANC's *Anti-Discrimination, Harassment & Bullying Policy*.

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1. Informal Grievance - Deal with Yourself

If you feel comfortable, speak to the person(s) causing the problem. While this may not be appropriate in many cases, it may be the easiest way of resolving the issue. You can tell them that their behaviour, decision, actions, etc was unfair, offensive, discriminatory etc, and why you believe this to be so. The person(s) may not have been aware of the effect of their behaviour or decision had on you and likewise this may not have been their intention. By discussing it with them you will give the person(s) a chance to redress the situation.

You may require advice and support from your supervisor/manager. Management may take action if inappropriate behaviour is observed, but no grievance has been made.

2. Informal Grievance - Supervisor or Immediate Manager

You should speak to your supervisor or immediate manager in the first instance to advise them of your grievance. They can then tell you what your options are. If you agree, they may approach the person(s) complained about on your behalf and speak to them informally about your grievance.

If you are uncomfortable with discussing your grievance with your supervisor/manager, you can approach either your Executive Manager, your next in line or speak to your People & Culture Department (Human Resources) who will speak to the person(s) on your behalf.

3. Formal Grievance – People & Culture (Human Resource) Department & Executive Manager

If you decide to make a formal grievance, this can be done by putting your grievance in writing and reporting it to your immediate manager and/or the People & Culture Department. You may have a support person e.g. a fellow employee, attend the meeting with you when you report the grievance if you wish. The written grievance should contain a description of the incident(s), decision, behaviour in question, the time and date of the incident(s) etc, the names of any witnesses and your signature.

All allegations will be investigated.

4. Anonymous Grievance – Submit in writing anonymously

If you wish to remain anonymous, you can direct your grievance in writing to ANC's National Office, addressed to the following, and marked Private & Confidential:

ANC People & Culture Department  
PO Box 8246  
Blacktown NSW 2148

However, in remaining anonymous it may affect the ability to investigate the matter properly and to communicate with you about your written complaint.

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## Serious Misconduct

In line with the Fair Work Regulations 2009, incidents that involve sexual harassment, theft, fraud or assault will be regarded as serious misconduct. Like all grievances, those where such matters arise will be investigated and follow procedural fairness. Procedural fairness involves:

- undertaking a thorough investigation;
- putting the allegations in writing to the employee;
- giving the employee adequate time and opportunity to consider the allegations;
- allowing the employee to respond to the allegations in a meeting with the employer;
- allowing the employee to have a support person present at such meeting

## The Investigation

- Once a formal grievance is made, a manager from the People & Culture Department or an executive manager will investigate the matter. If they feel that there is a reason why they should not conduct the investigation (e.g. they may be a friend of the person complained about), then another senior or executive manager will conduct the investigation.
- The relevant manager will then interview you, any witnesses, the person against whom the grievance is made, and that person's supervisor/manager. You and the person against whom the grievance is made may have a support person with you when the interview is being conducted.

## What are the Outcomes

- If the investigation reveals that your grievance is a valid one, a number of actions may be taken, depending on the nature of the grievance. The person against whom the grievance is made may be required to give you a written apology; he/she may be given a written warning, counselling, transfer, demotion, or be dismissed.
- If the investigation is inconclusive, i.e. the grievance cannot be proved due to lack of evidence; you will be given an explanation as to why that finding was made, however the company may nevertheless take a number of actions. These could include training of all employees and contractors, or monitoring behaviour of all employees and contractors.
- If the grievance is found to have been fabricated, appropriate action may be taken against you, including counselling, a written apology to the person the grievance is about, an official warning, transfer, demotion, or dismissal, depending on the seriousness of the allegations.

## 4. Key Escalation People

A current list of key people for escalation of grievances (as at 1 December 2021):

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LOCATION	ROLE	NAME	PHONE
NSW	National Operations Manager	Sheryl Christensen	0409 830 270
WA	Group Executive Operations	Kylee Bidwell	0477 711 732
NSW	National HR Manager	Hailey Trifiro	02 8603 1991
NSW	Group Executive People & Culture	Maria Harrison	0403 399 923

## 5. Review

From time-to-time ANC may make changes to this policy to improve the effectiveness of its operation.

## 6. References

### Further information regarding industrial instruments

Some ANC employees/contractors are covered by industrial instruments (i.e. awards) which may provide further information regarding entitlements and processes. Refer to the list below for further information, or alternatively contact People & Culture Department if you have any questions.

### Awards applicable to some ANC employees include:

- *Clerks – Private Sector Award 2020*
- *Road Transport and Distribution Award 2020*

### External agencies

This policy is designed to resolve grievances within ANC. However, nothing in this policy is intended to affect the right of a person to approach an external agency in relation to their grievance. Refer to [www.fairwork.gov.au](http://www.fairwork.gov.au) for more information.

### Related policies and procedures include:

- *Anti-Discrimination, Harassment & Bullying Policy*
- *WHS Issue Resolution Procedure*
- Fair Work Amendment (Respect at Work) Regulations 2021

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