



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.

The purpose of this policy is to allow workplace participants to have such problems referred to as grievances, addressed internally in a timely and confidential manner. A grievance can be about anything done, or not done, by management or another employee(s), which you feel affects you unfairly or unjustly. A grievance can also be about discrimination, harassment, bullying, or any other employment related decision or behaviour that you think is unfair, unjust, or upsetting.

This policy aims to ensure grievances are handled and resolved in an appropriate, fair, transparent and timely manner.

If a grievance is raised against an individual associated with a client or customer, ANC will be guided by the relevant client or customer's approach to resolving such complaints.

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 and with clients or customers. Whether they are in the workplace or offsite, at work-related functions (including social functions and celebrations), while on trips, attending conferences or training seminars.

This policy outlines the procedures you should follow to try to resolve your grievance, and also outlines the steps the Company will take to resolve your grievance if you make a formal complaint.

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>	<p>An alleged wrong or hardship suffered, which is the grounds of a complaint related to the work environment.</p> <p>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.</p>

Revision History					
Document Ref:	ANC Grievance Resolution Policy	Revision:	05	Approved:	15 September 2023
Owner:	ANC	Approver:	Group Executive People & Capability		
Review Date:	September 2025				
This document cannot be modified without the approval of Group Executive People & Capability					Page 1 of 5

Principles of natural justice

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'.

Procedural fairness involves:

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

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.

What are your options if you do have a Grievance?

Informal options can include approaching the person involved in your grievance, mediation, conciliation or discussions facilitated by your HR Manager or immediate supervisor/manager.

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 all 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. This may not be appropriate in some cases, particularly if you do not feel comfortable speaking to the person involved.

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

If you do not want to speak to the person involved directly, you can tell your manager about your grievance. They should be able to tell you what your options are. If you agree, they may approach the person and talk to them informally about your grievance. They may decide to

Revision History					
Document Ref:	ANC Grievance Resolution Policy	Revision:	05	Approved:	15 September 2023
Owner:	ANC	Approver:	Group Executive People & Capability		
Review Date:	September 2025				
This document cannot be modified without the approval of Group Executive People & Capability					Page 2 of 5

take more formal action. Generally, they will seek your approval before doing anything – although sometimes they may decide that taking action will be necessary, even if you do not wish for them to do so (for example, where failure to do so poses a health and safety risk). If your grievance is about your manager, you may wish to speak to another senior personnel or a representative from the People & Capability team. Alternatively, you can also decide to make a formal complaint.

3. **Formal Grievance – Making a formal complaint**

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. Please also refer to ANC's *Anti-Discrimination, Harassment & Bullying Policy* and ANC's *Sexual Harassment Policy*.

If you decide to make a formal complaint, this can be done by putting your complaint in writing and reporting it to your immediate manager (or HR Manager / senior personal). The written complaint 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, your signature and the date of the complaint.

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 & Capability 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.

How will your Grievance be handled?

Your grievance will be treated with the utmost confidentiality (except where the Company deems it necessary to disclose the complaint for the purpose of dealing with it effectively; disclosure will be no wider than is strictly necessary), and it is important that you also maintain confidentiality in order to avoid idle gossip and the possibility of defamation proceedings.

Any grievance will be taken seriously, handled impartially and any steps taken will be in accordance with the principles of procedural fairness. This may mean that 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.

Grievances will be dealt with promptly, taking into account all of the circumstances.

Revision History					
Document Ref:	ANC Grievance Resolution Policy	Revision:	05	Approved:	15 September 2023
Owner:	ANC	Approver:	Group Executive People & Capability		
Review Date:	September 2025				
This document cannot be modified without the approval of Group Executive People & Capability					Page 3 of 5

The Investigation

Where a grievance cannot be resolved informally and the Company deems an investigation is required, the matter will be investigated by someone the Company deems as appropriate. This may be an external investigator. How the investigation is to be conducted is at the complete discretion of the Company. The following are general guidelines only.

- Once a formal grievance is made, a relevant investigator will be determined by the company.
- During the investigation, the complainant will generally be interviewed first, following any witnesses, the person against whom the complaint is made (respondent), and any other relevant people will be independently interviewed.
- Both the complainant and the respondent may have a support person present when interviews are being conducted.

What are the possible outcomes

- If the investigation reveals that a complaint is valid (substantiated), a number of actions may be taken, depending on the nature of the complaint. The person against whom the complaint is made may be asked to give you a written apology, he/she may be given a written warning, counselling, transfer, demotion, or may be subjected to disciplinary action up to and including termination of employment.
- If the investigation is inconclusive, i.e., the complaint cannot be proved due to lack of evidence; the complainant 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 or monitoring behaviour of workplace participants.
- If the complaint is found to have been fabricated or raised vexatiously, appropriate action may be taken, 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 circumstances.

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 respondent;
- giving the respondent adequate time and opportunity to consider the allegations;
- allowing the respondent to respond to the allegations in a meeting with the employer;
- allowing the respondent to have a support person present at such meeting

Appeals process

You may make an appeal to the Managing Director where the resolution processes within the Company have failed or are otherwise felt by the complainant or respondent to be inappropriate. In such instances, the Managing Director will take advice from appropriate persons and make a determination as to how the grievance should thereafter be dealt with. The decision made by the Managing Director is final and binding.

Revision History					
Document Ref:	ANC Grievance Resolution Policy	Revision:	05	Approved:	15 September 2023
Owner:	ANC	Approver:	Group Executive People & Capability		
Review Date:	September 2025				
This document cannot be modified without the approval of Group Executive People & Capability					Page 4 of 5

Variation and Review

ANC reserves the right to vary, replace or terminate this policy from time to time. Unless altered earlier, this policy will be reviewed every 2 years.

Insofar as this policy imposes any obligations on the Company, those obligations are not contractual and do not give rise to contractual rights.

References

Further information regarding industrial instruments

Some ANC employees/contractors are covered by industrial instruments (i.e. awards) which may provide further information. Refer to the list below for further information, or alternatively contact People & Capability team 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 for more information.

Related policies and procedures include:

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

Revision History					
Document Ref:	ANC Grievance Resolution Policy	Revision:	05	Approved:	15 September 2023
Owner:	ANC	Approver:	Group Executive People & Capability		
Review Date:	September 2025				
This document cannot be modified without the approval of Group Executive People & Capability					Page 5 of 5