6.10 Volunteer Grievance and Dispute Resolution Procedure

**Procedure**

The procedures outlined in this document apply to staff and volunteers. These procedures provide several options for dealing with complaints of workplace bullying and discrimination. One or more options may be required at particular instances.

**Informal complaints procedure**

An informal complaint will normally be a verbal complaint. Informal complaints are generally managed by providing informal advice and support. The first point of contact should be either the Contact Officer and / or EAP or the person’s direct supervisor. If it involves the supervisor it should be the next person up the management line.

**Option 1: Take no action**

* The complainant will provide the supervisor with the details of the complaint in writing.
* Management will discuss all options available to the complainant.
* Management will respect the wishes of the complainant if the chosen option is to take no action.

**Option 2: Deal with matter individually**

* The complainant will provide the supervisor with the details of the complaint in writing.
* Management will discuss strategies whereby the complainant may resolve the problem directly with the person concerned, and may provide support and assistance if requested.
* Management will advise on all options and will respect the wishes of the person they are supporting in terms of what further steps, if any, should be taken.

**Mediation and conciliation**

The purpose of mediation and conciliation is to assist parties to resolve a complaint to the satisfaction of both sides. Confidentiality is to be maintained at all times and only those parties with a specific role in these procedures should be involved.

An important component of this procedure is that it is educative and does not seek retribution against any party. It is important that where a complaint is made that there is no victimisation of the person making that complaint or of the respondent. A neutral party may be appointed by the CEO to facilitate this process.

**Option 3: Mediation**

In some instances resolution of a complaint can be achieved using an informal approach. The aim of the informal approach is to resolve the complaint satisfactorily without recourse to a formal complaint procedure. The following points are not prescriptive but are provided as a guide as to how the mediation process may be progressed:

* The complainant will provide management with the details of the complaint in writing. Management will either facilitate the procedure or assign the matter to a neutral party.
* The respondent will be advised by management about the nature of the complaint and will obtain the respondent's version of the event(s). A resolution may be achieved at this point if the respondent agrees that the behaviour did indeed occur and was inappropriate and gives a verbal undertaking not to repeat the behaviour in question. A verbal apology to the complainant may be appropriate in some instances.
* In the event that a satisfactory resolution is achieved no further action will take place.
* Alternatively, the complainant or respondent may request management to arrange a meeting with a neutral party at which both parties can seek to resolve the complaint. Further meetings may take place by agreement of both parties.
* If a satisfactory resolution is achieved the neutral party may suggest follow-up actions to management in order to monitor the agreement.
* If a satisfactory resolution is not achieved the complainant and the respondent will be advised of other options to follow. These may include conciliation, or a formal complaint procedure.

**Option 4: Conciliation**

In situations when resolution using mediation has failed or is not appropriate, resolution should be attempted by conciliation. The following points are not prescriptive but are provided as a guide as to how the conciliation process may be progressed:

* The conciliation process will be conducted in complete confidence.
* The CEO, <Insert Position> or neutral party will meet with both parties separately to discuss the complaint and to seek agreement to resolve the matter by conciliation or by other means.
* Each party may be accompanied by a support person of their choice.
* A support person is someone external to <Insert Organisation Name>.
* The Facilitator will call a conciliation conference. If the respondent fails to attend without legitimate reason, the matter shall proceed directly to being a formal complaint. If the complainant fails to attend without a legitimate reason, the complaint shall lapse. The CEO shall make the determination of what constitutes a legitimate reason on a case-by-case basis.
* A conciliation conference does not presume that there is a case to answer.
* Both parties will be given at least one week's notice of the conference together with an explanation of the conciliation process.
* It is not the role of the Facilitator to direct the outcome of the conference or to make a finding. Facilitators will assist each party to put forward and to consider options for a resolution of the matter which will enable them to work in an acceptable environment which is free from workplace bullying and discrimination.
* The Facilitator will act fairly and impartially in assisting each party to reach an agreed resolution and will observe principles of natural justice.
* Throughout the process both parties will be kept informed of the progress of the conciliation.
* The Facilitator will, if requested, assist the parties to put an agreement in writing.
* If an agreement cannot be reached the parties should be informed and the complainant given other options to consider including the option of making a formal complaint to the CEO.
* The Facilitator should try to complete the conciliation process within two weeks of the arrangement to hold a conference.
* Management will check with the parties that the agreement has been kept after two months or other interval as agreed.
* If a satisfactory resolution using conciliation has not been achieved the complainant has the option of following the formal complaints procedure.

**Formal Complaints Procedure**

A request may be made in writing to the CEO or Chair, if it involves the CEO, for an investigation into a complaint of alleged workplace bullying and / or discrimination if any of the following occurs:

1. Attempts at resolution have failed;
2. The respondent denies the allegations;
3. The person alleging workplace bullying and / or discrimination has a concern about victimisation;
4. The person alleging workplace bullying and / or discrimination wishes to make a formal complaint from the outset; or
5. The respondent refuses mediation and / or conciliation.

A formal complaint can only be made in respect to (c) and (d) above after the complainant has met with management to discuss and consider all other available options.

**Option 5: Formal Complaint Procedure**

Procedures for making a formal complaint:

* The unresolved complaint will be notified to the CEO, or Chair if it involves the CEO, in writing by the complainant.
* All parties involved in the complaint at this stage must maintain confidentiality.
* Acknowledgement of the complaint shall be made by the CEO or Chair within five (5) working days.
* Within five (5) days of receipt of the complaint, the CEO or Chair will establish an investigation to be conducted by a suitable person unless they have reasonable grounds that the complaint is ill-founded. The person conducting the investigation shall have access to all persons and information they consider relevant and shall act expeditiously.
* If the advice received by the CEO or Chair is that the alleged behaviour does not breach <Insert Organisation Name>’s Anti-Discrimination and Harassment and Grievance and Dispute Resolution Policies or Code of Conduct, the complainant shall be informed in writing that no further action will be taken and the reason(s) for that decision.
* If the advice received by the CEO or Chair is that the alleged behaviour does breach the Anti-Discrimination and Harassment and Grievance and Dispute Resolution Policies or Code of Conduct they will decide whether misconduct or serious misconduct proceedings should be commenced.

**Option 6**

<Insert Organisation Name> recognises the right of staff to refer the matter to a relevant external agency at any time. External agencies may include the Tasmanian Police, Australian Industrial Relations Commission, Human Rights and Equal Opportunity Commission or the Tasmanian Office for the Anti-Discrimination Commissioner.

**Record Keeping**

In addition to formal documentation ie Incident Report Forms, signed resolution agreements and monitoring / review documentation, management and involved parties may keep confidential notes on enquiries or complaints sufficient to act as memory aids. These notes should be kept locked in a secure place.

The <Insert Position> will provide the CEO with a report of the complaint in a timely manner. Such reports will contain details of the complaint, method of resolution and the outcome. Where a formal complaint leads to misconduct proceedings, the appropriate documentation will be filed in the relevant volunteer / staff personnel record.

**Application**

This procedure affects all volunteers; its application lies with the CEO, <Insert Position> and supervising staff.

**Standards**

1.1-1.4, 2.1-2.3, 5.1, 5.4, 5.5, 6.1-6.3, 8.1, 8.2

**Related Policies and Procedures**

* Commitment to Volunteer Involvement Policy
* Volunteer Grievance and Dispute Resolution Policy
* Anti-Discrimination and Harassment Policy and Procedure
* Volunteer Work Health and Safety Policy and Procedures
* Volunteer Confidentiality and Privacy Policy and Procedure
* Documentation and Records Policy and Procedures
* Counselling and Discipline Policy and Procedure
* <Insert Organisation Name> Staff Confidentiality and Privacy Policy and Procedure
* <Insert Organisation Name> Staff Grievance Policy and Procedure
* <Insert Organisation Name> Staff Work Health and Safety Policy and Procedure

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| --- | --- | --- | --- |
| Approved | CEO, | Signature |  |
| Review | Annual | Next Review Date |  |