



Grievance Resolution Procedure

Current as at 03/09/09

This procedure has been developed to ensure members have access to fair and just processes that allow them to resolve legitimate complaints in a supportive environment.

This Grievance Procedure applies to disputes between:

- (i) a member and another member; or
- (ii) a member and the Association; or
- (iii) those non-members who receive services from the Association, and the Association.
 - Where a league decision, action or inaction gives rise to a grievance, the league will consider refraining from implementing the decision or continuing the action during the period from the notification of the grievance until finalisation.
 - Where two or more members believe they have a common problem this may, at their request, be dealt with as a single grievance in these procedures.
 - The time set out in these procedures may be extended by mutual agreement.
 - These procedures do not pre-empt, limit or delay the parties to the grievance rights to pursue other avenues for resolution of grievances such as direct application to the Human Rights and Equal Opportunity Commission. Where alternative avenues are used, the member will no longer have access to these grievance procedures for the particular matter.
 - Settlements reached through the grievance process shall not constitute precedent.
 - At any stage of the grievance process a member may choose to be represented by a nominated representative.
 - The principles of natural justice apply and will guide the application of these procedures.
 - A notice of a grievance or dispute may be withdrawn at any time.

Record keeping

Records kept by the grievance officer(s) during the process will be forwarded to the secretary within 5 working days of resolving or attempting to resolve the grievance. When the process is complete all records will be filed by the secretary and kept in a confidential grievance file for a period of 3 years.

Confidentiality

The confidentiality and privacy of parties involved in a grievance shall be respected. Only those parties to the grievance shall have knowledge of the documents and content of the grievance. However, there is nothing in this clause that prevents disclosure of the existence of a grievance.

Personnel

The grievance committee will consist of three (3) members who are to be chosen by a majority of Association members in an election. All members of the Grievance Committee can function as either a first contact officer or become a mediator as required. The officers can step-up to make preliminary investigations if a formal complaint is lodged to the grievance committee, and the grievance officers can form part of a grievance investigation committee that is appointed by the management committee if necessary.



Members can initially speak informally to an officer. In this instance, the officer can help the member by discussing possible strategies the individual can use to deal directly with the other person. If that fails to manage the situation, however, the officer can help the member to explore other options, which may include issue resolution or to formalise a complaint.

Process

Level 1 – Informal process / Verbal notification

- 1.1. Where a person wishes to raise a grievance, the member shall, in the first instance, attempt to raise the matter verbally with the person who has made the decision or undertaken the action causing the grievance (the respondent).
- 1.2. The respondent shall make a full verbal response to the person making the complaint (the complainant) no later than 7 days from when the matter was first communicated.
- 1.3. Members who have a grievance may request assistance from a grievance officer to communicate the grievance to the other party (verbally) on behalf of the member and then pass relevant information from one party to another, in the aim that the parties may come to an agreement.

Level 2 – Mediation

- 2.1. If the matter remains unresolved, or if there is no reply from the respondent within the time agreed (or if the parties decide to hold a meeting and one party does not attend the meeting) then the member can elect to lodge a formal complaint in order to gain the assistance of the grievance officers to set up a meeting.
- 2.2. The complaint must be made in writing and must clearly identify the person or persons who are being complained about. The complaint document should be lodged with one of the grievance officers.
- 2.3. The Grievance committee will arrange for a meeting to be held, within 10 days, in the presence of a mediator.
- 2.4. The mediator is to be mutually agreed upon by the parties involved and must not have any stake in the outcome. It is recommended that one of the grievance officers act as the mediator.
- 2.5. The nature of the complaint, the steps to be undertaken to resolve the complaint and the outcome of any meetings should be communicated to both parties in writing by the Grievance resolution committee to ensure mutual and agreed understanding.
- 2.6. The mediator DOES NOT decide the dispute or impose a solution on the parties. If the parties do not agree on a resolution, the parties have the right to pursue the matter further.

Level 3 – Investigation & Decision

- 3.1. If agreement has not been reached through mediation, if a meeting was not convened, or if mediation is not considered appropriate in the circumstances, the member must advise the PRD management committee in writing of the unresolved grievance if the mediator or grievance officer has not already done this. Upon such notice, the PRD management committee will establish a Grievance Investigation Committee to review the grievance and make a decision regarding how to resolve the grievance. The Investigation committee will comprise three members.
- 3.2. The Grievance Investigation committee should be impartial; that is, the officers must not have any interest in the resolution of the grievance or, in the opinion of the management committee, have any significant personal or professional association/relationship with either the Complainant or any other party/parties to the grievance that could give the impression that she is not impartial.
- 3.3. The existing three Grievance Officers shall be the first choice for appointment to this role (i.e. the grievance officers will be authorised by management committee to start formal investigation) if mutually agreed upon by both parties involved in the grievance and when the officers do not have a stake in the outcome. If one grievance officer must be excluded from the investigation process then a Management Committee member shall be appointed as a replacement.
- 3.4. In order to make a decision, the Grievance Investigation Committee shall gather evidence or necessary information regarding the grievance in any way it sees fit. The Investigation committee must afford each



party to the grievance the opportunity to make either written or oral submissions to the Investigation and may invite the parties to attend a hearing.

- 3.5. The Complainants may appoint an agent (NOT a legal representative) to present their oral submissions at the hearing.
- 3.6. The Investigation Committee must make its decision and report this decision to the Management Committee within 21 days of its appointment.
- 3.7. The Investigating Committee shall provide a written report to both parties to the grievance and a copy of the report shall be provided to the management committee.

Level 4 – Appeals

- 4.1. The Complainant or any party involved in the grievance may appeal a decision of the Grievance Committee. An appeal may only be brought on one or more grounds that the Grievance Investigation Committee:
 - 4.2. Was not appointed in accordance with clause 3.2;
 - 4.3. Did not comply with clause 3.4 and 3.5; and/or
 - 4.4. Reached a decision that was unfair or unreasonable in the circumstances
- 4.5. A party wishing to appeal must give notice of its intention to appeal in writing to the Management Committee within 10 days of receiving notification of the decision of the Grievance Investigation Committee.
- 4.6. If notice is given in accordance with 4.2, the Management Committee shall appoint three Management committee members to hear the appeal. The Appeal Committee shall be appointed in accordance with clause 3.2.
- 4.7. A member of the Grievance Investigation Committee cannot be part of the Appeal Committee.
- 4.8. The Appeal Committee has the same powers and is subject to the obligations set out in clauses 3.4 and 3.5 and 3.6.
- 4.9. The Appeal Committee may either:
 - 4.10. Affirm the decision of the Grievance Investigation Committee; or
 - 4.11. Substitute its own decision
- 4.12.** No appeal can be brought from the decision of the Appeal Committee

Policy Review and Approval

PRD Inc. Management Committee approved this policy: May 2009

PRD Secretary will ensure a review of the policy is conducted periodically.

Appendix 1

Responsibilities of the grievance officer

In carrying out their responsibilities to resolve the dispute or grievance, the grievance officer has an obligation to:

- ✓ Establish or verify the facts
- ✓ Give the involved parties every opportunity to be heard in the process
- ✓ Clarify the differences between reality, perception and opinion
- ✓ Act without prejudice
- ✓ Maintain confidentiality, as far as possible. The grievance officer should encourage all parties to the grievance to refrain from divulging information to persons who are not involved in the grievance.
- ✓ Ensure all parties to the grievance are informed verbally and in writing where indicated of:
 - the nature of the complaint
 - the steps taken or proposed to be taken to resolve the complaint, and
 - the outcome of the process.
- ✓ Keep accurate and appropriate records during the process and forward these records to the secretary within 5 working days of resolving or attempting to resolve the grievance.
- ✓ Initiate or recommend actions to prevent the dispute or grievance recurring.

The role of the Contact Officer

Contact Officers are an important first contact for people who believe they have a grievance.

Contact Officers allow people to determine how they can best resolve their problem—either by tackling it themselves, making use of the grievance/complaint procedure, or by some other means.

The Contact Officer's duties may involve:

- Listening to the individual and acting as a support person
- Discussing possible strategies the individual can use to deal directly with the other person
- Providing information about the options available to deal with the individual's concerns and the likely results of these
- Refer individuals who decide to make a formal complaint to the appropriate person for investigation
- Providing general information and copies of PRD complaint procedure to any member of the association