



HR Staffing: Complaints and Grievances Policy

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Version: 7

Responsible Person: BoG Chair

Approved by BoG on: 20-10-2022.

Review date: 09-2023

Purpose

To ensure that Hampton Park Care Group Inc.:

offers a robust framework for managing and resolving Discrimination, Bullying and Harassment concerns and Complaints against Employees, and provides appropriate mechanisms for Employees to raise a Grievance or Complaint on other employment related matters, in order to foster a safe and inclusive work, teaching and learning environment where individuals feel safe and supported and are able to work effectively, without fear of Discrimination, Harassment, Bullying, Vilification, Victimisation and/or reprisal.

Scope

This Policy applies to:

all Discrimination, Bullying and Harassment concerns and Complaints raised against Employees (including volunteers, and contractors by any individual (including consumers) involved in Hampton Park Community House related activities.

Grievances raised by Employees in relation to employment related matters.

Exclusions:

Discrimination, Bullying or Harassment concerns or Complaints raised against members of HPCH Board of Governance will be managed in accordance with the Policies on Governance and Code of Ethics and pursuant Procedures.

Discrimination, Bullying or Harassment concerns or Complaints raised against a consumer (parents, students, client, Community Member (including those made by an Employee) will be managed in accordance with the Harassment and Complaint Policy and Procedure.





Policy Statement

To support the rights of individuals to achieve their full potential free from Discrimination, Bullying, Harassment, Victimization and Vilification, HPCH aims to provide a robust set of principles, responsibilities and Procedures associated with preventing and resolving Complaints of this nature made against HPCH Employees.

In order to assist Employees who are faced with circumstances in which they feel aggrieved, HPCH also provides a mechanism for Employees to raise a Complaint or Grievance in relation to internal employment related matters.

HPCH emphasises a collegial approach to concerns, Complaints and Grievance resolution through informal processes where possible. These processes are designed to lead to a prompt resolution of problems in an expeditious and confidential manner, with access to formal mechanisms for resolving Complaints and Grievances if required.

Principles

HPCH will take all reasonable steps and actions to ensure that Employees and consumers will be treated fairly and with dignity and respect whilst working or engaged in HPCH activities.

As part of the approach by HPCH to providing a fair, safe and productive work environment, consideration of Complaints and Grievances will be dealt with fairly, consistently, promptly and with sensitivity to all parties.

HPCH will comply with its legal responsibilities in accordance with all relevant legislation.

HPCH acknowledges that individuals have a legislative workplace right to raise a Complaint or Grievance in accordance with this Policy and that these rights are protected from certain unlawful actions including, but not limited to, adverse action.

All parties involved in Complaint or Grievance resolution processes are encouraged to participate in good faith and the principles of natural justice and procedural fairness will be observed.

Any breach of confidentiality may result in Disciplinary Action taken in accordance with the provisions of the relevant HPCH Policy or Procedure.

In some circumstances a Complaint or Grievance under this Policy and pursuant Procedures may also be regarded as a matter that requires attention under the Public Interest Disclosure Policy.

With the exception of Complaints or Grievances that are made in accordance with Public Interest Disclosure HPCH will not normally investigate anonymous Complaint unless the issues raised within the Complaint are of a serious nature and sufficient Information is provided.

All Personal Information collected under this Policy and pursuant Procedures will be held and used in accordance with the HPCH Privacy Policy and Procedure.



Your place



Employee Discrimination, Bullying and Harassment Complaints against Employees

Discrimination, Bullying and Harassment will not be tolerated at HPCH under any circumstances and may in fact be unlawful under State or Commonwealth law.

As outlined in the Code of Conduct Policy and the Child Safe Code of Conduct Agreement, Misconduct Policy and Harassment and Bullying Policy individuals are responsible for making themselves aware of and adhering HPCH Policy on all forms of Discrimination, Bullying and Harassment.

Complaints of Discrimination, Bullying and Harassment will be treated seriously by HPCH and will be managed promptly in a thorough and confidential manner ensuring that all individuals, including witnesses, are not victimised.

HPCH may initiate disciplinary Procedure Investigations immediately in response to allegations of conduct or behaviour that may be considered misconduct.

Where an individual has raised Discrimination, Bullying and Harassment concerns but does not wish to lodge a Formal Complaint, HPCH has a responsibility to take these matters seriously and may be obligated to investigate these concerns further where they are considered to be of a serious nature and have the capacity to impact on an Employee or consumer (including children) health and safety, or another Employee or consumers health and safety.

HPCH Procedures and processes for resolving Discrimination, Bullying and Harassment concerns and Complaints are underpinned by the following principles:

Individuals making Discrimination, Bullying or Harassment Complaints will be supported by HPCH to make resolution Decisions and act to resolve their concerns.

Complaints will be dealt with as expeditiously as possible with resolution as close as possible to the source.

Complaints managed under the Employee Discrimination, Bullying and Harassment Complaints Against Employees Procedure will normally be dealt with and finalised within 21 days, where practicable.

Complaints will be dealt with promptly and sensitively by experienced and authorised officers.

At any time, an individual may withdraw the Complaint, seek assistance from a Nominated Representative, or lodge a Complaint with an external agency, as appropriate.

Complaints will be rejected if a preliminary Investigation of the facts indicates that they are found to be frivolous, vexatious, misconceived or lacking in substance.

Complaints which are made in good faith are not vexatious Complaints, even if the Complaint is not eventually substantiated.



Your place



Individuals are encouraged to raise genuine concerns without fear about unlawful, negligent or improper public sector conduct where they fall within this Policy and Procedure and are consistent with the definitions in the Public Interest Disclosure Act 2012 (VIC) <https://www.legislation.vic.gov.au/in-force/acts/public-interest-disclosures-act-2012/026>

Individuals advised of concerns which may be regarded as a matter that requires attention under the Public Interest Disclosure Policy should also refer this matter to the Executive Committee.

HPCH may initiate disciplinary Procedure Investigations immediately in response to allegations of conduct or behaviour that may be considered misconduct or serious misconduct and reserves the right to take Disciplinary Action against persons who knowingly lodge a vexatious complaint.

Where required by legislation, HPCH may notify relevant external agencies and reporting bodies of matters as necessary.

Individuals wishing to lodge a Formal Complaint of Discrimination, Bullying and/or Harassment against an Employee of HPCH should refer to the Staffing- Harassment and Bulling Policy and Procedure.

Employee Grievances

A Grievance is typically considered a concern or Complaint raised by an Employee against a process, action, omission or Decision within the responsibility and control of HPCH which relates to employment matters, which has or is likely to have an unreasonable negative impact on the ability of an Employee to undertake their duties, or similar impact on their career.

HPCH will maintain a clear and fair process to resolve the Grievances of Employees. In doing so, HPCH seeks to achieve and maintain a workplace that encourages a productive and harmonious working environment through:

- frequent discussion between Employees and their Supervisor (Domain Area Managers)
- cooperation between and amongst Employees of HPCH, and
- the opportunity for the satisfactory resolution of problems and Grievances in a positive and constructive manner.

HPCH has adopted a three-level Grievance resolution process which emphasises the resolution of the issue at the lowest possible level and can be summarised as:

First level: Facilitation

Second level: Mediation

Third Level: referral to the Fair Work Commission.



Your place



The Grievance process will not be used to challenge Decisions of the BoG, or Procedures required by industrial legislation or regulations.

Offers of compromise as well as agreements reached during the Grievance process will not constitute precedents in regard to similar Grievances, and are without prejudice to positions taken in similar circumstances or more general issues.

Frivolous and vexatious Complaints and Grievances

Where Complaints or Grievances at any stage of an Investigation or process are found to be unsubstantiated, misconceived, frivolous, vexatious or not lawful by reason of a provision contained in legislation, or in breach of this Policy, HPCH may, by Notice in writing addressed to the Complainant, dismiss the Complaint.

Employees who deliberately make false or malicious Complaints may be subjected to Disciplinary Action.

References

[NHACE Agreement 2016 \(pdf, 4.3MB\)](#)

Jobs Australia Discipline Guide 2019 3rd Ed.

[WorkSafe Victoria](#)

Related Policies

- Code of Conduct Policy
- Incident, Injury, Trauma and Illness Policy
- Inclusion and Equity Policy
- Interactions with Children Policy
- Privacy and Confidentiality Policy
- Staffing Policy

Authorisations:

Signature of the Board Chair:

Date: 20-10-2022

