IPAN Policy relating to Grievances, Complaints and Disputes

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| Specific responsibility: IPAN CC | Date approved:  |
| Approved by: Executive  | Next review date:  |

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| PURPOSE: To state a clear and fair process for members of IPAN or staff to raise a grievance, and to identify the person/s responsible for settling the grievance**.**  |
| Standards or other references: |  |
| Legislation or other requirements: | Fair Work Act (2009), the ACT Discrimination Act (1991). |
| Documentation requirements: | All discussions should be recorded in writing and held on a confidential file by the IPAN Secretary. |

**DEFINITION:**

A grievance is a complaint about any type of organizational or work-related problem that is causing distress to people in the organization. The grievance may arise from a decision, act or omission by any Committee member or staff member which is considered by the complainant to be wrong, mistaken, unjust or discriminatory.

**POLICY:**

As part of the approach by IPAN to provide a fair, safe and productive organizational and work environment, consideration of grievances will be dealt with fairly, consistently, promptly and with sensitivity to all parties.

In the instance where a complaint or dispute does arise, the organisation has a responsibility to provide members or staff with appropriate ways to resolve such complaints and disputes and to minimize their adverse impact on everybody within the organisation. All parties are required to participate in the grievance resolution process in good faith.

Individuals making a complaint should make sure:

* Concerns are raised as early as possible after the incident relating to the complaint has occurred.
* They do not instigate grievances that are frivolous or malicious.

In resolving any issue, IPAN will ensure:

* Grievances are treated seriously, expeditiously and sensitively with due regard to procedural fairness, confidentiality and the potential for victimization.
* Grievances and information arising from the handling of any grievance is treated confidentially.
* The principles of natural justice are observed throughout. This means that before a decision is taken about them, all members and staff members affected have the right to be informed about the nature and content of the grievance, have the right to be heard by an unbiased decision maker and have the right to have a witness present.

**PRACTICE and/or PROCEDURES:**

There are two main avenues or procedures to resolve member or staff grievances and disputes and to minimize their adverse impact on everybody within the organisation. All parties are required to participate in the grievance resolution process in good faith.

**Procedure 1 – IPAN will appoint at least 2 Well-being Officers to hear member or staff grievances related to an action of the organization or a member thereof, or their employment conditions, or their supervisor. All parties involved are to maintain complete confidentiality at all times.**

Step 1

* The initiating member or employee should approach a state member of the National Coordinating Committee who will refer them to a Well-Being Officer for discussion and advice on the issue. This discussion is confidential.

Step 2

* If the problem is not resolved in Step 1, the initiating member or employee may put the issue in writing to the IPAN Executive and request that the issue be raised with the Coordinating Committee (CC). The Coordinating Committee may discuss the issue with the Well-Being Officer/s and will make a decision on the issue and advise the Member or employee (in writing – email is acceptable) within 7 days of the CC Meeting.

Step 3

* If the problem is not resolved in Step 2, the initiating member or employee may attend a meeting of the CC and will be entitled to address that meeting, if so desired.
* The initiating member or employee may be accompanied by a representative of their choice.
* The initiating member or employee may request that the person with whom they have a grievance not be present while they address the meeting.
* The CC will make a decision on the issue and advise the initiating Staff member of their decision within 7 days (in writing – email is acceptable).
* The decision of the CC is final.

Avenues of Appeal

* The CC will ensure that their decisions are in line with the relevant legislation that governs the employment of Staff.
* If the initiating Staff member thinks that they have been unfairly treated, they may consult with the relevant Union, Fair Work Australia or the Department of Education, Employment and Workplace Relations.
* If the initiating Staff member thinks that they have been unfairly discriminated against on the grounds of gender, race, age etc. they may refer the issue to the Australian Human Rights Commission.
* **Procedure 2 - For handling staff grievances related to discrimination, harassment and workplace bullying. All initiating staff should be made aware of their rights to consult the Anti-Discrimination Commissioner and the Australian Human Rights Commission.**

Step 1

* The initiating staff member should approach the other party (IPAN member or staff member) with whom he/she is experiencing difficulty and attempt to resolve the issue.

Step 2

* If the matter is not resolved in Step 1, the initiating staff member may discuss the issue with a Well Being Officer and put the concern in writing and provide a copy of this to the other party. A further discussion, with the Well Being officer mediating, should take place with the aim of resolving the conflict as soon as possible.

Step 3

* If the conflict still remains unresolved, then both parties will provide a written copy about their concern to the Executive or a CC member. The Executive or CC member will then call a meeting of both parties with the aim of resolving the grievance.

Step 4

* If the problem is not resolved in Step 3, then both parties may put the issue in writing to the Executive or CC member and request that the issue be raised with the CC at the next CC Meeting.
* The role of the CC is to arbitrate on the conflict as it is presented. The CC will have the power to call for reports from other staff, external consultants (mediators) or any other persons to assist in reaching an appropriate decision, which will be final.
* The CC will make a decision on the issue and advise both parties (in writing – email is acceptable) within 30 days of the CC Meeting.

Avenues of Appeal

* The CC will ensure that their decisions are in line with the relevant legislation that governs the employment of staff.
* If the initiating staff member thinks that they have been unfairly discriminated against they may refer the issue to the Australian Human Rights Commission.

**General Notes:**

1. Individuals are not limited to utilizing these grievance procedures and may take any other legitimate action, including legal action, available to them to deal with the complaint.

2. Written documents produced as part of the grievance process should be held on a confidential file by the IPAN Secretary for a period of twenty-four (24) months and destroyed if no further conflicts arise.

3. The outcomes of a formal grievance process may include (but are not be limited to):

* a verbal or written apology
* a change in policy or procedure
* changes in work practices or team structure
* training of staff
* counselling of staff
* disciplinary action