

Shire of Wiluna Policy Manual

GRIEVANCES, INVESTIGATIONS AND RESOLUTION

Policy 7.3

SHIRE OF WILUNA

Grievances, Investigations & Resolution Policy

Policy Statement

All employees have a right to express any genuine grievances or complaints via an impartial internal process. All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Wiluna in any capacity.

Roles

Complainant – A employee who raises a complaint about a matter regarding the workplace.

Respondent – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.

Support Person – A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.

Witness – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

What to do if you have a Complaint?

If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Shire’s policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion. If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager directly.

If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach the Manager’s Manager.

The employee who receives the complaint must contact the Chief Executive Officer and decide upon the most appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

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Key Principles in the Complaint Resolution Process

The following principles are necessary for the fair investigation and resolution of a complaint:

- **Confidential** – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Wiluna may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint;
- **Impartial (fair/unbiased)** – Both parties will have an opportunity to put their case forward. No assumptions are made and no action will be taken until available and relevant information has been collected and considered;
- **Sensitive** – The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation;
- **Timely** – The Shire of Wiluna aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;
- **Documented** – All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient;
- **Natural Justice** – The principles of natural justice provide that:
 - A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made;
 - A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation;
 - anyone involved in the investigation should be unbiased and declare any conflict of interest;
 - decisions must be based on objective considerations and substantiated facts; and
 - the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.
- **Procedural Fairness** – The principles of procedural fairness provide that:
 - the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
 - A Respondent is entitled to receive verbal or written communication from the Shire of Wiluna of the potential consequences of given forms of conduct, as applicable to the situation;
 - The Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
 - Any mitigating circumstances presented to the Shire of Wiluna through the grievance process are investigated and considered;

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- the Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- All interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with Human Resources, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

Vexatious or Malicious Complaints

Where a Complainant has deliberately made a vexatious or malicious complaint, that Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Victimisation of Complainant

A Complainant must not be victimised by the Respondent or any other employee of the Shire of Wiluna for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Variation to This Policy

This policy may be cancelled or varied from time to time. All the Shire of Wiluna 's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents

- Discrimination, Harassment, & Bullying Policy
- Code of Conduct
- EEO Policy

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Document Control	
Responsible Directorate	Office of the CEO
Relevant Section	Human Resources
Legislative Requirement	
Council Meeting Held & Adopted, Resolution #	22 Feb 2017 028/17
Amendments, Date & Resolution #	
Review Dates & Resolution #	
Next Review Date	