

# STANDARD OPERATIONAL POLICY AND PROCEDURES



<b>TOPIC</b>	Employee Complaints & Grievances – SOPP 35.12		
<b>RESPONSIBILITY</b>	Human Resources		
<b>AUTHORISATION</b>	Chief Executive		
<b>SIGNED</b>		<b>DATE</b>	20/07/2016
<b>VERSION</b>	1.5	<b>LAST REVIEWED</b>	July 2016
<b>EFFECTIVE</b>	October 2002	<b>NEXT REVIEW</b>	July 2019

## 1. PURPOSE

To provide a mechanism for the prompt resolution of complaints, grievances or problems raised by employees in relation to employment matters.

- It is the objective of this procedure to ensure that complaints or grievances are resolved by negotiation and discussion between the parties.
- Complaints or grievances against another staff member need to be resolved in the interest of good working relationships.

## 2. SCOPE

This policy and procedure applies to all Employees of EGHS regardless of level within the organisation.

## 3. POLICY STATEMENT

East Grampians Health Service (EGHS) is committed to providing employees with a healthy and safe work environment. All employees, patients and their visitors are entitled to be treated with respect and dignity.

EGHS provides an Employee Complaints Form for employees to raise a complaint or grievance in relation to employment related matters. These procedures emphasise an approach to complaint resolution through informal facilitation and mediation, and are designed to lead to a prompt resolution.

## 4. PRINCIPLES

This procedure is governed by the following principles:

- The Employee Complaints and Grievances procedure will not be used to challenge decisions of management, or procedures required by legislation or regulations.
- Where the complaint relates to serious misconduct, harassment, sexual harassment, and or bullying, the Manager will refer immediately to SOPP 35.18



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- Where the Employee or their Nominated Representative, and the Chief Executive, Human Resources agree, the time-limits set out in these provisions may be extended and/or the grievance process may begin at the Second Level of these procedures.
- Where two or more Employees believe they have an identical or common problem, they may take action together and the matter will be dealt with as a single grievance.
- A matter raised within these procedures may be withdrawn by the Employee or their Nominated Representative, at any stage during these procedures by notice in writing, to the Chief Executive or Human Resources.
- Offers of compromise as well as agreements reached during the complaints and grievance procedure will not constitute precedents in regard to similar complaints and grievances, and are without prejudice to positions taken in similar circumstances or more general issues.
- Where staff use the Compliments or Concerns form to raise a complaint or grievance about another staff member, Human Resources will be advised as soon as possible and in turn advise the appropriate supervisor/ manager within 24 hours during the working week or within 24 hours of the first working day following a weekend or public holiday.

#### **4.1 Complaints and Grievance**

In the first instance the employee shall communicate their complaint or grievance in writing using the Employee Complaints Form to their immediate supervisor/manager.

The manager will acknowledge receipt of this form within 24 hours during the working week, or within 24 hours of the first working day following a weekend or public holiday.

If the form is sent to Human Resources or Director, the acknowledgement of receipt will be provided in the same timeframes.

##### **First Level – Discussion**

If the complaint or grievance is between two parties, the supervisor/manager will arrange a meeting with both parties to come to an agreement and way forward. A representative shall be present if desired by either party.

##### **First Level – Constructive Counselling and Improving Performance Plan**

If the complaint relates to underperformance of an employee and this is proven, the supervisor /manager will meet with the underperforming employee within seven days to provide constructive counselling and an improvement plan. See Managing Underperformance - SOPP 39.06

##### **Second Level – Referral to Department Director**

If the complainant still feels aggrieved, then the matter shall be referred to his/her department Director for review and discussions with the effected parties. The local union representative shall be present if desired by either party. Pending availability of all parties, this meeting will take place within 7 days of referral. At this stage both parties will be made aware of the support available through the Employee Assistance Program (EAP).

##### **Third Level – Referral to Chief Executive**

If the grievance is still unresolved the matter shall be referred to the Chief Executive for review and discussions with the effected parties with a view to gain a resolution of the grievance. Again if desired the senior local or state union representative may be present and involved in the discussions. Pending availability of all parties, this meeting will take place within seven (7) days of referral.

### **Referral to Fair Work Australia**

Where the grievance remains unresolved after seven working days, or as soon as practicable, following the mediation, either party to the grievance process may refer the matter to Fair Work Australia (FWA).

All recommendations made by FWA will be binding on the parties involved in the grievance process and will constitute a settlement of the matter.

Until the grievance is determined, work shall continue normally in accordance with the custom or practice existing before the grievance arose, while discussions take place.

Health and safety matters are exempted from the above paragraph.

No party shall be prejudiced as to the final settlement by the continuance of work.

## **4. REFERENCES**

University of Southern Queensland – Grievance Policy

Beechworth Health Service – Grievance Procedure

Castlemaine Health Service – Grievance Policy

Workplace Relations Act 1996

A/Care Standard 1.6

National Safety and Quality Health Service Standards – Standard One

## **5. RELATED DOCUMENTS**

Policies:

[DISCIPLINARY PROCEDURE – SOPP 35.33](#)

[MANAGEMENT OF COMPLIMENTS AND CONCERNS –SOPP 16.01](#)

[MANAGING UNDERPERFORMANCE – SOPP 39.06](#)

[SERIOUS MISCONDUCT/HARASSMENT/SEXUAL HARASSMENT/BULLYING – SOPP 35.18](#)

Other:

[Improving Performance Guide](#)

[Employee Complaint Form – 35.12.00](#)

[Improving Performance Plan – 35.12.01](#)