

InsightCFS Grievance Handling Procedure

Purpose

The purpose of this Model Grievance Handling Procedure is to assist with the resolution of any grievance expeditiously and at the lowest possible organisational level.

Scope of this policy

This policy applies to everyone who works at InsightCFS including the owner, sales agents, administrative support staff, managers, temporary workers, and anyone applying for a position with us. It also applies to those with whom we work, including clients, and those who undertake work for us, including contractors and their employees.

What is a grievance?

A grievance is a problem, concern or complaint related to work or the work environment. A grievance may be about an act, omission, situation or decision that you think is unfair, discriminatory or unjustified.

Policy principles

The grievance handling procedures uphold the following key principles:

- a) Confidentiality – Where possible, only people directly involved in the grievance or in its attempted resolution will have access to information. There are circumstances where information may not be able to be kept confidential, such as if physical threats are involved or the law otherwise requires it.
- b) Impartiality – All sides will have a chance to tell their story. No assumptions will be made and no action taken until all relevant information is collected and considered.
- c) No repercussions – No action will be taken against anyone for making or helping someone to make a genuine grievance. The firm will take all reasonable steps to ensure that anyone involved in making a complaint or in attempting to resolve it is not victimised. Victimisation is unlawful under equal opportunity legislation.
- d) Promptness – All complaints will be dealt with as quickly as possible and resolved within two working days wherever possible. More complex investigations will take longer, but ideally no longer than four (4) weeks.

What to do

If you have a grievance, if you believe that you have been treated unfairly, you should not ignore it. It is important to raise your concerns as early as possible. We encourage all workplace participants to raise issues under this procedure, and will treat all complaints seriously.

Accordingly, once a complaint is made, we will deal with the matter appropriately in accordance with this procedure.

It may also assist you to keep a note of events. You should include in your notes: the details of the incident(s), the names of people involved, the names of any witnesses, and the effect that the event(s) has had on you.

The following steps are intended as a guideline only, and the firm may skip or repeat the steps outlined below, or take other alternative action, as the firm considers appropriate in the circumstances.

Step 1: Raise the matter with the offending person

If you feel comfortable to do so, try to resolve your grievance with the person or people involved. You may find that they did not mean to do what they did and were not aware of the impact it was having. When raising the issue with them, you should identify the offensive behaviours, explain that it is unwelcome and offensive and ask that the behaviour stops.

Step 2: Get more information from a contact officer

If you aren't sure about how to handle the problem yourself, or you want to talk to someone confidentially about the problem and get more information about what you can do, you can talk to any of the contact officers who are:

Agents: Susan Azzi,

Customer Service and Administration: Sudhin Nangar

Senior Management: Andrew Salmon

The contact/ support officer will speak with you as soon as they can and preferably on the same day you ask to see them.

The contact officers are employees who volunteered for the job. They are trained to help anyone who has, or thinks they may have, a grievance.

A contact officer can give confidential advice about the best way to tackle your problem and where you can get more help. A contact officer is not allowed to investigate or resolve your grievance but they can go with you to see someone who can attempt to resolve it.

Step 3: Informal complaint

If you wish, you can raise your issue at an informal level. Under the informal complaint procedure there are a broad range of options for addressing your concern. The procedure used to address the issue will depend on the individual circumstances of the case.

The informal complaint procedure is more suited to less serious allegations that would not generally warrant disciplinary action being taken. In the informal complaint procedure there is no decision made about what did or did not occur, but rather the contact officer attempts to facilitate an outcome that is acceptable to all parties.

Possible options include:

- the contact person discussing the issue with the person against whom the complaint is made; and/or
- the contact person facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

Step 4: Formal complaint

If the matter doesn't resolve as a result of informal steps, or the allegations are such that an informal process is not appropriate, you can make a formal complaint to your manager or Human Resources. You should provide a written account of events with as much detail as possible.

Whoever is to investigate the matter must get full information from you as soon as possible. Unless there is a very good reason, they will usually do this within two working days. They will then attempt to resolve the grievance as soon as possible – see below for information and time limits.

Where practical, within two working days the person who is to investigate your grievance will:

- get full information from you about your grievance and what will resolve it as far as you are concerned,
- explain how the rest of the grievance handling procedure works including what will be done to protect you from victimisation, and
- they will also refer you to people who can provide support or representation, if you need them.

The person investigating the grievance should take the following steps:

- put the information they've received from you to the person/people you're complaining about and get their side of the story,
- where practical, within one week of interviewing the person/people being complained about, and no later than four weeks from the date you first raised a formal complaint, they will:
 1. work out whether the matter(s) alleged in your grievance are serious enough to be disciplinary
 2. work out whether they have enough information to know whether the matter(s) alleged in the grievance did or didn't happen,
 3. if they don't have enough information to know whether the matters alleged in your grievance did or didn't happen and the allegation is serious enough to be disciplinary, they may need to speak to witnesses and/or review any relevant documents,
 4. if they decide to speak to any witnesses, they will do this carefully, to preserve confidentiality.

They will not speak to any more witnesses than they need to decide how the grievance should be resolved

- once the investigation has been completed, they will let everyone involved know the outcome. They will do this in the following way:
 - when the grievance involves an allegation of a non-disciplinary or minor disciplinary nature and the main facts are not in dispute, they will mediate. This means they will help you and the other person or people involved agree about how the grievance should be resolved
 - when the grievance involves an allegation of a non-disciplinary or minor disciplinary nature and the main facts are in dispute, they will:

- tell you and the other person/people involved about what might have happened had the grievance been proven one way or the other
- warn you and the other person/people involved about the disciplinary consequences of any victimisation
- tell you and the other person/people involved about your right to appeal
- consider the need for staff training in particular policies or standards.

Where a complaint is substantiated, possible outcomes include:

- an apology and commitment that the behaviour will not happen again,
- access to counselling,
- a first or final warning,
- demotion,
- termination of employment,
- joint agreement: many grievances will be settled by agreement between the people involved in the grievance. If this happens, no notes or records will go on anyone's personnel file. The person who handled the grievance will write a confidential report which will be filed in a confidential grievance filing system within Human Resources. Only senior managers and human resource staff will have access to this, and only when necessary, or
- referral to police if a criminal offence has or may have been committed.

Where the complaint is not substantiated due to insufficient evidence, possible outcomes may include:

- training on relevant policies,
- monitoring ongoing behaviours, or
- mediation.

External complaint

If you are unhappy with the outcome of your complaint, you can get advice from any relevant external agency, such as the Anti-Discrimination Board of NSW, the Australian Human Rights Commission, the NSW Industrial Relations Commission and the Fair Work Commission. Contact information is at the end of this document. Do this as soon as possible. Each agency will tell you what their time limits are.

Confidentiality

These Grievance Handling Procedures are designed to ensure that details of complaints remain strictly confidential to the individuals involved and those with a formal role in the complaint process.

This means that only those with a genuine role to play in helping to resolve a complaint are allowed to know its details or to discuss it. Anyone in breach of this requirement is risking disciplinary action and legal action under the laws of defamation.

Malicious complaints

Anyone found to have made a false complaint in bad faith will face disciplinary action. This may include counselling, a written apology to the person complained about, an official warning, transfer, demotion or dismissal, depending on the seriousness of the allegations.

Who else can help?

If you are the person making the complaint, or the person being complained about, you can get legal advice from your union representative or other legal representative. You may bring a union or legal representative to any grievance meeting. You can also get confidential advice and support from any of the contact or support officers at any time during the grievance.

In addition, at any time during your grievance you have the right to contact an external agency for advice or help. You can also do this if you are unhappy with the way the grievance has been resolved. Agencies that may be able to help you are:

- Anti-Discrimination Board of New South Wales

Level 7, 10 Valentine Avenue Parramatta NSW 2150

Telephone: (02) 9268 5555 Email: adbcontact@justice.nsw.gov.au

Website: www.antidiscrimination.justice.nsw.gov.au/

- Australian Human Rights Commission

Level 3, 175 Pitt Street Sydney NSW 2000

Telephone: (02) 9284 9600 National Information Service: 1300 656 419

General enquiries and publications: 1300 369 711 Email: communications@humanrights.gov.au

Website: www.humanrights.gov.au

- NSW Industrial Relations Commission

Level 1, 47 Bridge Street Sydney NSW 2000

Telephone: (02) 9258 0866 Website: <http://www.irc.justice.nsw.gov.au/>

- Fair Work Commission

Level 10, Terrace Tower 80 William Street East Sydney NSW 2011

Telephone: (02) 8374 6666 Email: sydney@fwc.gov.au

Website: www.fwc.gov.au

Communicating the policy

This policy is endorsed and sponsored by the Managing Director. The availability of the policy and its location are explained to all employees as part of their induction and they are required to acknowledge their understanding and acceptance of the policy being available.

At least once a year the policy will be circulated, electronically or as a printed document, to all employees of the firm to reinforce [name of firm's] commitment to upholding it.

More information

Comments on the policy are welcome and should be directed to Andrew Salmon.

Review details

This new policy was adopted by InsightCFS on 1 March 2022 and supports a policy in the Insight Work Policy and the Insight Enterprise Agreement. This policy may be updated or replaced by InsightCFS in the future, in which case you will be informed of any updates to this policy or replacement of this policy.



Simon M Quinn

Managing Director

Date: 1 March 2022