

 MULTICULTURAL COUNCIL of TASMANIA	Grievance Policy	Policy ID	MCOT-GRV
		Version Number	1
		Implementation Date	20 June 2019
Page Number	1 of 6	Last Reviewed/Update Date	Approved 20 June 2019
Policy Owner	BOARD	Approval	Board
Drafted by	Ron Franks	Next review date	April 2021

PURPOSE

To state a clear and fair process for a person associated with Multicultural Council of Tasmania's (MCOT) to raise a grievance, and to identify the person responsible for settling the grievance.

This document defines the MCOT policy and procedures to manage Board members/Committee Members/Staff/ MCOT Members/ volunteers/Interns and visitors to MCOT grievances. It outlines the procedures to be followed when a grievance is lodged and provides guidance on the approach to be taken. This is to make certain the appropriate course of action is followed to ensure a prompt, fair and effective resolution.

This grievance policy also allows Board members/Committee Members/Staff/ MCOT Members/ volunteers/ Interns and visitors to express concerns about Board meetings/ work practices or the work environment. It may be an act, behavior, omission, situation or decision, which you believe to be unfair, discriminatory, or contrary to MCOT's existing policies or procedures

SCOPE

This policy applies to the board members, staff and volunteers of Multicultural Council of Tasmania.

This does not apply if the subject of the grievance relates to a matter covered by a merit - based selection process.

POLICY DETAIL

MCOT's Board and CEO are committed to ensuring Committee Members/Staff/ MCOT Members/ volunteers/ Interns and visitors receive fair and consistent treatment as part of good management of MCOT. Prompt and effective resolution of grievances is vital to this commitment.

MCOT's Committee Members/Staff/MCOT Members /volunteers/Interns and visitors are assured that MCOT will provide fair resolution processes; decisions will be made with impartiality and due care, privacy, dignity and confidentiality in all aspects of a person's grievance claim.

Grievances will always be treated with due seriousness and resolved as soon as practical.

As far as possible, it is the intention of MCOT that grievances can be resolved by discussion between the parties. Therefore, the parties should follow the procedures defined within this policy to achieve outcomes that are mutually acceptable. In some instances, it may be useful to engage an external person in the achievement of a resolution.

Type and Nature of Grievances

This policy applies to any incident which fits the grievance definition stated as follows:

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'A grievance exists where a Committee Member/ Staff/ MCOT Member/volunteer/Intern and visitor believes himself /herself to have been, or about to be treated unfairly or inconsistently by any other person associated with MCOT. This policy incorporates grievances raised in relation to certain Equity and Diversity, Sexual Harassment and Anti-Discrimination issues as defined within the relevant Commonwealth Legislative Acts but does not prohibit any person from accessing the following legislative acts.

- The Equal Opportunity Act 2010
- Anti-discrimination laws:
- The Sex Discrimination Act 1984
- The Disability Discrimination Act 1992 The Racial Discrimination Act 1975

Approach to Grievances

MCOT seeks to ensure:

- that all grievances are dealt with in a timely, fair and respectful manner;
- each person is free to raise and have resolved, any complaints or disputes he or she may have regarding MCOT and its work the legal and human rights of MCOT's Committee Members/Staff/ MCOT Members/ Volunteers/Interns and visitors are upheld in relation to prevention of sexual, physical and emotional abuse;
- Grievances are taken seriously and will be resolved impartially and with utmost confidentiality;
- All grievances are routinely reported, so that any immediate corrective action can be considered and implemented within a timely manner.

Sources of Advice

Within MCOT, advice for parties to grievances may be sought from the Manager, CEO or the Chairperson, or other appropriate persons as determined by the Board depending on the type or nature of a grievance.

PURPOSE

DEFINITIONS

“Complainant” The person lodging the grievance.

“Grievance” Behavior or action of another Committee Member/Staff/ MCOT Member/ volunteer/ Intern and visitor, which has or is likely to have an unreasonable negative impact on the ability of a person to undertake their duties.

“Investigator” Means an impartial person appointed by the CEO or Chairperson to conduct an investigation into the substance of the grievance who may be external or internal to MCOT and shall not have any prior involvement in the subject matter of the grievance, and if internal, shall be a person not in the same category of association with MCOT of either the complainant or respondent.

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“Party” Means the Complainant and/or Respondent.

“Principles of general procedural fairness” the handling of a grievance that involves all the following Natural Justice elements:

- the right to a fair hearing;
- the right to attend hearings with a friend or support person, if required; the opportunity for all parties involved to have a say and be heard;
- the respondent having full knowledge of the nature and substance of the grievance; the complainant not solely determining the outcome, but may be a party to it;
- the right to an independent, unbiased decision-maker;
- final decision that is based solely on the relevant facts and evidence.

“Respondent” The person against whom the grievance has been lodged.

“Senior Personnel” The Chairperson, The Senior Vice Chairperson, Vice Chairperson, The Treasurer, The Secretary, The CEO

“Senior Officer” Manager

“Supervisor” Direct Line Manager, CEO or Chairperson

“Grievance Officer” CEO

Preliminary Action

1. Before initiating the following procedures, complainants are encouraged to try to settle any grievance directly with the person(s) concerned in the first instance.
2. A complainant should raise their grievance with the respondent as early as possible.
3. At any time while trying to settle the grievance, a complainant or respondent may consult confidentially with anyone they choose, including their Union representative.

Informal Procedure

1. The informal procedure for the settlement of grievances will not normally be invoked unless the complainant has attempted to settle the grievance directly with the respondent as outlined in the Preliminary Action above.
2. A complainant may refer the grievance to their supervisor for settlement of the grievance. When a complainant has a grievance against their supervisor the Complainant may refer the grievance to their supervisors immediate superior.
3. To commence the informal procedure the complainant must provide in writing to their supervisor:
 - I. a clear statement of the grievance, including the parties to the grievance;
 - II. a process for trying to settle the grievance which will be considered by the supervisor;

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- III. a suggested solution which the Complainant believes would settle the grievance. An appropriate solution that will focus on achieving a productive working environment or relationship, rather than apportioning blame.

Within 10 working days of receiving the notification of the grievance the supervisor will determine whether the subject matter, prima facie, falls within the definition of a grievance.

Where it is determined that the subject matter falls within the definition, the supervisor will gather such other information as required to assist with the settlement of the grievance, including providing the respondent with the statement of the grievance and the opportunity to respond; and attempt to settle the grievance by using the process outlined by the complainant for settlement (if appropriate) or through discussion; or arranging counselling; mediation and/or conciliation ("the Informal procedure")

Where it is determined that the subject matter of the grievance falls outside the definition of a grievance, the supervisor will advise the complainant accordingly. The supervisor may dismiss a grievance if in the Supervisor's view the grievance is ill-advised, misguided, frivolous, malicious or vexatious.

If the complainant's supervisor does not supervise the respondent, the supervisor will determine the appropriateness of including the respondent's supervisor in seeking to settle the grievance, recognizing the importance of keeping the grievance as close to the source as possible.

After the conclusion of the Informal procedure, the supervisor will write to both the complainant and respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process.

Formal Procedure

The formal procedure for the settlement of grievances will not normally be invoked unless the matter has been first referred for settlement under the Informal Procedure.

1. If settlement of the grievance has not been achieved for any reason, including because of a determination by the supervisor that the subject matter falls outside the definition of a grievance or as a result of the grievance being dismissed under the Informal Procedure, a party may seek settlement of the grievance through the Formal Procedure. The Formal Procedure will normally be invoked within five working days of the supervisor notifying the parties of the outcome of the Informal Procedure or from the date of the conciliation of the unsuccessful mediation and /or conciliation
2. A formal grievance may only be commenced by lodging a Grievance Lodgment Form, with the Grievance Officer.
3. Within twenty working days of receipt of the Grievance lodgment Form a Senior Personnel must appoint an Investigator to hear the grievance.
4. The Investigator will, within twenty working days of appointment:

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- a) interview both the complainant and respondent and such other persons or seek any further information on the Investigator considers necessary and will conduct any investigation in accordance with Principles of Natural Justice;
- b) determine whether the grievance is justified; and
- c) recommend to the Senior Personnel appropriate action which may include counselling for either or both parties; arranging for conciliation of the grievance; recommending disciplinary action; or that no further action be taken.

If in the Investigator's view, the grievance is ill-advised, misguided, frivolous, malicious or vexatious, the Senior Personnel will advise the complainant, and where appropriate other parties, in writing of this finding and the reasons for the finding and where appropriate take action in accordance with relevant provisions against the complainant.

On receipt of the Investigator's report, the Senior Personnel will:

- take such action as the Senior Personnel deems appropriate; and
- notify in writing both the complainant and respondent of the outcome of the process, the reasons for the decision and specify any action to be taken.

The decision of the Senior Personnel is the final step in the grievance process and is not open to challenge via any other dispute settling procedures of MCOT.

Confidentiality

All persons associated with the informal and formal procedures should maintain confidentiality and only discuss the grievance with those who have responsibility for dealing with the grievance.

Responsibilities

All staff are expected to conduct themselves in a manner which respects the rights and welfare of other persons associated with MCOT and to show competence, care, good faith and compliance with instructions policies and procedures in the performance of their duties.

Supervisors are responsible for trying to prevent problems and settling grievances in the workplace.

It is the complainant's responsibility to raise the issue(s) of the grievance as soon as possible with the other party/ parties and agree to be involved in settling the issue(s) prior to making a formal complaint.

The Grievance Officer is responsible for providing procedural guidance to all parties in the Formal Procedure stage of the Procedure. The CEO has overall responsibility for the implementation and review of this Procedure. (Policy Base, Associated Documents, Grievance Lodgement Form).

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Forms/Record Keeping

A brief summary of the grievance along with an account of the informal and formal process (if any) and the settlement shall be recorded in a confidential file to be held in MCOT's office. If the grievance is taken outside MCOT this record may be used to demonstrate what steps were taken to settle the grievance.

RELATED DOCUMENTS

- Privacy policy
- Anti-discrimination policy
- Equal Employment Opportunity policy
- Workplace Health and Safety policy
- Anti-bullying policy

AUTHORISATION

Signed by CEO:Date: 20 June 2019

Signed by Chair: Date: 20 June 2019