

Grievance and Complaint Processes

All organisations will need to handle complaints from time to time. These grievances or complaints can occur in a variety of forms and between various parties. Disputes can occur between staff, between staff and management, between management and management, between client and worker and vice versa.

‘A grievance is a statement by an employee ...or client...of a work-related problem, concern or complaint. Grievances can range from the very minor and easy to resolve, to the extremely serious, which may involve formal disciplinary action’¹

Handling grievances

Before instigating a grievance process it is important to identify current policies and procedures that outline the required process within your organisation. Enterprise Agreements (also known as Enterprise Bargaining Agreements) may also incorporate grievance procedures. The SCHADS Award also covers the necessary steps in the event the grievance or dispute is in relation to matters covered by the Award or the National Employment Standards.

Policies and procedures covering grievance processes will vary depending on the size, structure and type of organisation. Smaller organisations may have procedures that involve all levels of management, including intervention at board level. Larger organisations may stop at senior manager level, bringing in outside intervention before it is brought to the attention of board members. There is no ‘one size fits all’ model.

As a first step, prior to the formal grievance process being initiated, the person making the complaint should be encouraged to resolve the issue directly with the person or persons concerned. If this is not possible or appropriate, then formal processes can begin.

Issues to consider

As a general rule, there are six key points that all grievance policies and procedures should take into account:

Confidentiality

No person should have access to information on the grievance, other than those directly involved or those handling the complaint.

Freedom from any form of persecution or unjust repercussions

The organisation needs to make it clear that it will not tolerate any form of persecution, harassment or discrimination towards any party.

¹ From NSW Environment Protection Authority *Ethics Package – grievance procedures*

Handled with a minimum of fuss

All complaints need to be handled transparently where the process is clearly explained and adhered to.

Impartiality

All parties have an opportunity to put forward their side of the story without assumptions being made, where no action will be taken until all information is collected. If any party requests support (eg colleague, union representative, etc) it should be provided.

Compassion

All people handling the complaint need to be sensitive to the needs of those directly involved.

Promptness

Grievances should be dealt with as soon as possible. Time limits should be formally agreed to at all stages of the process.

Most grievance procedures work through certain stages. The stages may involve:

- **Negotiation:** where two or more parties involved in the grievance work on an agreement on how they can co-operate and resolve the issue
- **Mediation:** where an impartial third party assists the parties towards an agreement
- **Conciliation:** where an impartial third party assists in the process of dispute resolution.

Withdrawing the Grievance

The party/s who lodged the grievance, can at any time withdraw the grievance. In this situation there is the possibility the other party may wish, and has every right to continue the process if they believe they have not had the opportunity to respond appropriately.

What are some of the outcomes of a grievance procedure?

Possible outcomes include:

- As a result of negotiation or mediation, one or both parties involved may gain a better understanding of the issues and no longer feel upset and/or may be encouraged to change behaviour
- As a result of negotiation or mediation, one or both parties may realise there has been a misunderstanding, reassess and address the situation taking into account the new understanding
- The party/s who made the complaint may receive a written or verbal apology
- The party/s complained about may receive a written or verbal reprimand
- One or both parties may agree to participate in some form of counselling
- One or both parties may face disciplinary action if found to have breached accepted behaviour or misconduct or unsatisfactory performance has occurred.

Resources

Unions can provide information, advice and/or assistance to members depending on the nature of the grievance or complaint, and the relationship of the parties (ie peers as opposed to employer)

Employer advice service (eg Jobs Australia) also provide information, advice and/or assistance to members

Community Justice Centres can assist with mediation. For more information go to [Work and Employment](#) or contact them on 1800 990 777.

Other Resources

Fair Work Ombudsman

- [Help resolving workplace issues](#)
- [Effective dispute resolution](#)

Community Door

- [Resolving Conflict](#)

Institute of Community Directors Australia

- [Staff Grievance Policy Template](#)
- [Misconduct Policy Template](#)
- [Managing Unsatisfactory Performance Policy Template](#)
- [Compliant Meeting Record Template](#)
- [Confidentiality and Non-Victimisation Agreement](#)

NCOSS Management Support

- [Templates and Resources](#)
 - [Managing Staff Performance](#)

NB: The above websites were accessible on 2 December 2015. If the links do not work search on the title of the document or go directly to the organisation's website.