



Policy		Grievance		NWA-POL-42	
Department	People and Culture	Creation Date	August 2022		
Custodian	Chief Operating Officer	Reviewed	September 2023		
Review Period	5 years	Review Date	September 2028		

Policy Statement

This policy provides a fair and transparent process for the resolution of grievances or complaints raised by any Netball WA employee or Netball WA engaged volunteer in relation to workplace conflict, organisational changes, workplace health and safety, bullying and harassment or discrimination.

Scope

Netball WA policies, appendices, related procedures and forms apply to Netball WA and its subsidiary entities. This includes Glass Jar Australia and West Coast Fever.

Purpose

The purpose of this policy is to support the effective management of employee grievances and provide a structured process for the organisation to respond to a grievance.

To ensure natural justice, the following principles will be applied in managing and resolving grievances or complaints, taking into account the nature of the grievance:

- Where possible, grievances should be resolved informally and locally;
- Negotiation and conciliation are the guiding principles to be applied by all parties when attempting to resolve grievances;
- A mutual approach to grievance resolution through informal procedures and mediation (as appropriate) is encouraged;
- At any stage during the process, the complainant/s and/or the respondent/s may nominate a support person, an independent third party or a representative to accompany them;
- Grievances will be treated seriously;
- Grievances should be dealt with within a reasonable timeframe;
- Neither party should be subject to victimisation;

CONTROLLED DOCUMENT- MAY NOT BE CURRENT VERSION WHEN PRINTED

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Custodian: Chief Operating Officer

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- Support should be available to all parties to the grievance;
- Appropriate communication should occur throughout the process;
- Appropriate documentation will be maintained;
- Confidentiality must be maintained at all times.

Raising Concerns with External Agencies

An employee (complainant) reserves the right to contact an External Agency direct in relation to their concern, this may include, but not limited to: The Fair Work Commission or the Australian Human Rights Commission.

EAP Support

NWA provides a free, confidential and independent Employee Assistance Program (EAP) to all employees and their immediate families. This service can be accessed for any work-related or non-work-related matter.

Confidentiality

All parties to the grievance must ensure confidentiality is maintained throughout the entire process.

All parties to the grievance will be informed of:

- the nature of the grievance;
- the steps taken or to be taken to resolve the grievance; and
- the outcome of the process.

Record Keeping

Accurate and appropriate confidential records will be maintained by the relevant Manager or General Manager during the process. These records will be forwarded to the People & Culture Team within 5 working days of resolving or attempting to resolve the grievance. When the process is complete, all records will be maintained by the People & Culture Team in a secure and confidential manner.

Vexatious, Frivolous or Improper Complaints

While most employee grievances or complaints are motivated by genuine concern about perceived or actual inappropriate or unfair behaviour or actions, on some occasions, a grievance or complaint may be vexatious, frivolous or improper. A vexatious or frivolous complaint is one which can harass or annoy, to cause delay or detriment, or is for any other improper purpose. Any grievance or complaint that is found to be vexatious, frivolous, or made for an improper purpose may constitute grounds for disciplinary action.

General Provisions

1. Where two (2) or more employees believe they have a common grievance or complaint, they may initiate the *Grievance Policy* jointly and the matter will be dealt with as a single grievance.
2. Matters raised under this policy may be withdrawn by the employee or by their representative by giving notice in writing to the Human Resources Manager.
3. Where the Human Resources Manager determines that the grievance would be better addressed under another NWA policy, all parties will be advised of this, and no further action will be taken under NWA-POL-42.
4. Nothing in this procedure prevents NWA from acting to address:
 - the safety and/or well-being of an employee; or
 - a vexatious, frivolous or false grievance or complaint; or
 - misconduct or serious misconduct in accordance with the Common Law Contract.

Withdrawal or discontinuation of complaint

At any stage during the informal or formal grievance or complaint, the complainant may withdraw or discontinue the process. If the complaint is being handled under the formal process, the withdrawal or discontinuance should be made in writing. If a complaint is withdrawn or discontinued, NWA may still take action to address the issues raised in the complaint, if it considers it appropriate to do so.

Resolution Process

First Level: Facilitation	
Step	Action
1.	Where an employee wishes to raise a grievance with NWA under this procedure, the employee shall, in the first instance, attempt to resolve the grievance informally with the person who has made the decision to undertake the action causing the grievance (the respondent).
2.	In the first instance, if an employee does not feel confident to raise concerns with the other party or parties involved in a grievance, the employee should raise their concerns with their Line Manager. Where the employee asserts to have been aggrieved by their Line Manager, the employee should instead inform their Line Manager's Supervisor.
3.	The parties should (if possible) arrange a discussion to try and informally resolve the grievance within 10 working days. Where the employee or Line Manager requests assistance with informal resolution, an authorised officer from the People & Culture Team is available to facilitate discussions and to record any agreed outcome.

First Level: Facilitation

Step	Action
4.	<p>If the matter can be informally resolved, the resolution reached between the parties is to be recorded in writing and will be adhered to by the parties and provided to People & Culture for filing.</p> <p>If the grievance cannot be resolved, refer to second level: Assisted Resolution.</p>

Second Level: Assisted Resolution

Step	Action
1.	<p>If the grievance is not resolved at the first level, the employee or Line Manager where requested, may notify the Human Resources Manager of the unresolved complaint/grievance. Written notification is to be provided no later than 5 working days following the meeting and/or failure to meet to resolve the grievance. The notification should include the following information:</p> <ul style="list-style-type: none"> • the details of the grievance and any supporting documentation; • any attempts made to resolve the grievance informally; • any response that was provided during or following the attempts at informal resolution; • any solutions or remedies discussed; and • the preferred remedy to resolve the grievance and any alternative remedies that may be acceptable.
2.	<p>Within 20 working days, the Human Resources Manager (or authorised officer) will attempt to resolve the grievance jointly with the appropriate Manager. If this is unsuccessful, the matter will be referred to the relevant General Manager to try and resolve the dispute with the parties concerned.</p> <p>Possible resolution may include but is not limited to:</p> <ul style="list-style-type: none"> • making further inquiries into the grievance; • conducting a facilitated discussion; and/or • making suggestions for resolution.
3.	<p>The Human Resources Manager (or authorised officer) may during or in the following 20 working days:</p> <ol style="list-style-type: none"> 1. confirm with the parties any agreed resolution of the grievance (which shall be recorded in writing and adhered to by the parties); or

Second Level: Assisted Resolution

Step	Action
	<p>2. otherwise notify the parties:</p> <ul style="list-style-type: none"> i. of any resolution that the Human Resources Manager (or authorised officer) recommends be accepted by the parties; ii. of any further steps the Human Resources Manager (or authorised officer) intends to take which may include but are not limited to initiating a formal investigation and/or recommending a formal alternative dispute resolution (ADR) under the third level; and/or iii. that the Human Resources Manager (or authorised officer) does not intend to take any further steps.
4.	Where the Human Resources Manager (in response to a request or otherwise) has advised further steps that will be taken to resolve the dispute; which may include a formal investigation or other steps, those steps will be undertaken in a timely manner and the parties to the grievance advised of the outcome.
5.	<p>Within 5 working days of the notification by the Human Resources Manager (or authorised officer) if the grievance is still not resolved and/or the complainant/s who made the original grievance is dissatisfied with the second level outcome, the complainant may request that the parties participate in an ADR.</p> <p>Requests are to be made directly to the Human Resources Manager. The Human Resources Manager will consider the request and advise the parties of the further steps (if any), that they consider appropriate to attempt to resolve the grievance.</p> <p>If the grievance is not resolved, refer to third level: formal resolution.</p>

Third level: Formal resolution (alternative dispute resolution - ADR)

Step	Action
1.	If the grievance is not resolved at the second level, the Human Resources Manager (or authorised officer) will attempt to resolve the grievance jointly with the CEO and the employee/s concerned.
2.	Where the attempt to resolve the grievance jointly with the CEO was not reached, the Human Resources Manager may direct the parties to participate in an ADR.

Third level: Formal resolution (alternative dispute resolution - ADR)

Step	Action
	<p>Confidential ADR of the grievance will be provided by a mediator/facilitator who is independent of the grievance. Mediation is a voluntary process; both the employer and employee/s must agree to mediate.</p> <p>The ADR will occur within 10 working days where reasonably practicable.</p> <p>The Human Resources Manager will ensure that appropriate arrangements and processes are in place for the ADR.</p> <p>Any agreed resolution of the grievance will be recorded in an ADR outcome agreement and adhered to by the parties.</p> <p>If the grievance is not resolved, refer to fourth level: referral to the Fair Work Commission.</p>

Fourth Level: Referral to the Fair Work Commission

Step	Action
1.	Where the grievance remains unresolved following completion of any formal resolution process under the third level, either party to the grievance process may refer the matter to the Fair Work Commission (FWC) or other relevant authority.
2.	The decision made by the FWC or other relevant authority, will be binding on the parties involved in the settlement of this complaint/grievance matter.

Definitions

Grievance	A workplace grievance refers to a formal complaint raised by an employee to an employer such as discrimination, bullying and harassment, breaches of the terms and conditions of an employment, workplace health & safety, relationships in the workplace and organisational change.
Complaint	Refers to any accusation or allegation (oral or written).
Independent Third Party	An independent third party (i.e. mediator, facilitator) investigates complaints, it does not act as an advocate or legal representative for a party to a complaint.

Support Person	A support person can be a co-worker, friend, family member. The role of a support person is to provide the employee with emotional support during the meeting, take notes and adjourn the meeting for a break if required. The support person should not be a witness to, or otherwise be associated with an investigation, or have any personal interest in the outcome.
Representative	May include a Union representative or Legal representative for a party to a complaint.
Complainant	Person who makes a complaint or raises a grievance.
EAP	Employee Assistance Program.
ADR	Alternative Dispute Resolution.
Authorised Officer	A representative from the People & Culture Team assigned by the Human Resources Manager.
NES	National Employment Standards.
Procedural Fairness	Refers to due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation/s being made.

Support Documents

Document Number	Document Description
NWA-POL-03	Whistleblower Policy
NWA-POL-03A	Whistleblower Flow Chart

Reference List

References
Fair Work Ombudsman. (n.d.). Resolving issues at the workplace. https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/effective-dispute-resolution
Employsure (2019). Are you grieving over workplace grievances? https://employsure.com.au/blog/are-you-grieving-over-workplace-grievances/