

GRIEVANCE POLICY

PURPOSE

To state a clear and fair process for staff, students (including potential students), employees and agents of Industrylink Training to raise a grievance, and to identify the member of staff responsible to assist in the resolution of conflict. Such grievances may arise between students, colleagues, supervisors and those they may supervise, over a range of issues including but not limited to: discrimination, harassment, bullying, working conditions, training methods and outcomes, other non-academic related student matters, and decisions taken, or not taken by a staff member/manager.

SCOPE

The procedure described in this document applies to all staff, students, potential students and contractors/agents of Industrylink Training and is designed for the settlement of work related grievances, disputes over academic achievement or any other non-academic related matter.

DEFINITIONS

Complainant:	The person lodging the grievance.
Grievance:	Behaviour or action of another member or members of staff, student, potential student or employer; which has or is likely to have an unreasonable negative impact on the ability of: <ul style="list-style-type: none"> • a staff member to undertake their duties • a student or potential student to achieve a fair academic outcome • a student or potential student to feel supported in any non-academic related matter.
Investigator:	Means an impartial person appointed by the C.E.O. to conduct an investigation into the substance of the grievance who may be external or internal to the R.T.O and shall not have any prior involvement in the subject matter of the grievance.
Party:	Means the Complainant and/or Respondent.

Principles of Natural Justice:	<p>General procedural fairness in the handling of a grievance that involves all of the following elements:</p> <ul style="list-style-type: none"> • 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 be heard; • the Respondent having full knowledge of the nature and substance of the grievance; • the Complainant not determining the outcome, but may be a party to it; • the right to an independent, unbiased decision-maker; • a final decision that is based solely on the relevant evidence.
Respondent:	The staff member/s or student/s against whom the grievance has been lodged.
Senior Management:	C.E.O. or partner of Industrylink Training Pty Ltd..
Supervisor:	<p>Normally the management position to which the staff member reports, for example, the Training Co-ordinator or the Office Manager.</p>
Grievance Officer:	Staff member appointed by the C.E.O.

ACTIONS

Preliminary Action

1. Before initiating the following procedures, Complainants are encouraged to try to settle any grievance directly with the person/s concerned, provided they feel comfortable in doing so.
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 an external party, such as a Human Resources professional, a Union representative, their Employer, a consultant from Fair Work Australia or a Representative of their Australian Apprenticeships Centre.

Informal Procedure

1. The informal procedure for the settlement of grievances will not normally be invoked unless the Complainant has unsuccessfully attempted to settle the grievance directly with the Respondent as outlined in the preliminary action above.; or unless they felt uncomfortable in following the preliminary action in the first instance.
2. A Complainant may refer the grievance to their Supervisor, to the Office Manager, to the Training Coordinator or directly to the Grievance Officer to instigate settlement of the grievance. When a Complainant has a grievance against any of the aforementioned persons, the Complainant may refer the grievance directly to the C.E.O.

3. To commence the informal procedure the Complainant must provide in writing to their Supervisor, to the Office Manager, to the Training Coordinator or directly to the Grievance Officer:
 - a. a clear statement of the grievance, including the parties to the grievance;
 - b. a suggested solution which the Complainant believes would settle the grievance. An appropriate solution will focus on achieving a productive working, studying or general environment or relationship, rather than apportioning blame.

Within 10 working days of receiving the notification of the grievance the Supervisor, Office Manager, Training Coordinator or Grievance Officer 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, they will:

- a. 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
- b. attempt to settle the grievance by using the suggested solution outlined by the Complainant for settlement (if appropriate) or through discussion; or arranging counselling; mediation and/or conciliation.

Where it is determined that the subject matter of the grievance falls outside the definition of a grievance, the Supervisor, Office Manager, Training Coordinator or Grievance Officer will advise the Complainant accordingly. They may dismiss a grievance if in their view, the grievance is ill-advised, misguided, frivolous or malicious.

4. After the conclusion of the informal procedure, they will write to both the Complainant and Respondent indicating the outcome of the process, the reasoning for the outcome and specify 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 as a result of a determination by the Supervisor, Office Manager, Training Coordinator or Grievance Officer 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 parties being advised of the outcome of the informal procedure or from the date of the conclusion of the unsuccessful mediation and/or conciliation.
2. A formal grievance may only be commenced by lodging a Grievance Lodgement Form, with the Grievance Officer.
3. Within twenty working days of receipt of the Grievance Lodgement Form the C.E.O. must appoint an Investigator to hear the grievance.
4. The Investigator will, within twenty working days of appointment:
 - a. interview both the Complainant and Respondent and such other persons or seek any further information the Investigator considers necessary and will conduct any investigation in accordance with the facts;
 - b. determine whether the grievance is justified; and
 - c. recommend to the C.E.O. 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 C.E.O. 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 staff provisions against the Complainant.

1. On receipt of the Investigator's report, the C.E.O. will:
 - a. take such action as the C.E.O. deems appropriate; and
 - b. 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.
2. The decision of the C.E.O. is the final step in the grievance process and is not open to challenge via any other dispute settling procedures of the R.T.O.

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.

External Agencies

Complaints about administrative actions and decisions of the R.T.O. can be made to an impartial third party, should the issues not have been able to be resolved internally. This is generally a last resort. If you have not followed the steps laid down in the relevant R.T.O. procedures, the third party may ask you to do so before accepting your complaint. A third party will be determined by Industrylink according to who is the most relevant body pertaining to the actual nature of the complaint. (for example, Fair Work Australia or the Anti-Discrimination Commission may be appropriate bodies.)

RESPONSIBILITIES

All staff, students and potential students are expected to conduct themselves in a manner which respects the rights and welfare of other staff members and students of Industrylink Training, and to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties and their studies.

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.

The C.E.O. has overall responsibility for the implementation and review of this procedure.

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 by the C.E.O. for a period of 5 years. Parties to the complaint will be afforded access to the records upon request. If the grievance is taken outside the R.T.O. this record may be used to demonstrate what steps were taken to settle the grievance.