DISPUTES AND GRIEVANCES POLICY AND PROCEDURE

Version 2.0: June 2026

DISPUTES AND GRIEVANCES POLICY AND PROCEDURE

Purpose and Scope

The purpose of this policy and procedure is to set out the steps Bilingual Care staff are required to take with regards to disputes and grievances. This policy and procedure aims to:

- encourage open communication and early resolution of workplace disputes and grievances
- ensure staff feel safe and supported when raising concerns
- provide a structured process for managing complaints, including informal and formal resolution methods
- promote fairness, confidentiality, and procedural integrity in all grievance investigations.
- ensure compliance with employment laws, the Fair Work Act 2009 (Cth), and Bilingual Care's policies and procedures.

Disputes and grievances raised by Bilingual Care staff, volunteers and contractors would generally be dealt with under this policy and procedure, however, from time-to-time staff may raise issues or provide feedback that is best dealt with under Bilingual Care's *Feedback and Complaints Policy and Procedure* or *Whistleblower Policy and Procedure*.

Matters relating to Work Health and Safety will generally be handled in accordance with the Issue Resolution process as per Bilingual Care's *Work Health and Safety Policy and Procedure.*

This policy and procedure applies to all staff, contractors and volunteers, and meets relevant legislation, regulations and Standards. It also covers all work-related interactions, including:

- the physical workplace
- work-related travel
- offsite events (e.g., conferences, training, company functions) and
- digital communications (e.g. emails, messaging platforms, social media).

Applicable Strengthened Aged Care Quality Standards

- *Standard 2. The Organisation*

Definitions[1]

Dispute – a workplace dispute is a disagreement between employees, or between employees and management/the organisation, that affects workplace relationships, performance, or the working environment. Disputes can arise from:

- differences in work styles or communication
- role expectations and responsibilities
- misunderstandings or personality conflicts and

[1] See www.fairwork.gov.au for definitions

- policy violations or procedural disagreements

Formal Resolution - a formal resolution is initiated when a grievance cannot be resolved informally or involves serious allegations requiring investigation. It may include:

- a structured internal investigation conducted by HR or management
- witness statements and document reviews to assess the validity of the complaint.
- disciplinary action or policy interventions, if necessary.

Frivolous complaint – a baseless claim that has no merit or value and is made without reasonable cause.

Grievance - a formal complaint lodged by one staff member against another or against the organisation regarding:

- workplace harassment, bullying, or discrimination
- unfair treatment or breaches of workplace policies
- health and safety concerns
- inappropriate or unethical management behaviour and
- disputes between co-workers, suppliers, or management

Informal Resolution - an informal resolution involves direct discussion and mediation between the parties involved, without initiating a formal grievance process. This can include:

- a one-on-one conversation to clarify misunderstandings
- manager-facilitated discussions to find a mutually acceptable solution and/or
- workplace mediation through HR or a neutral third party

Sexual harassment - any form of unwanted, unwelcome, or uninvited sexual behaviour that is offensive, humiliating, or embarrassing.

Workplace harassment - repeated behaviour, other than behaviour amounting to sexual harassment, of one staff member or group of staff members that is unwelcome, unsolicited, and considered to be offensive, intimidating, humiliating, or threatening by another staff member.

Vexatious complaint – a complaint that is made without reasonable cause and is lacking substance. The complaint may be repeated, cause annoyance and/or intend to cause harm.

Victimisation – when a person is treated unfairly because they:

- make a complaint about workplace bullying, harassment, or discrimination
- act as a witness in an investigation or
- refuse to participate in workplace misconduct.

Policy

Bilingual Care is committed to maintaining positive working relationships between its staff and management. We encourage cooperation, collaboration and trust among all staff members. At Bilingual Care, we make all necessary efforts to foster a workplace where there is no tolerance of discrimination, harassment or bullying behaviour at all times.

On occasions, inappropriate behaviours may occur and a grievance process is required to resolve complaints or concerns. Disputes and grievances should be addressed within the organisation in a timely and confidential manner. The process requires respectful and honest discussion between both parties to reach a fair and reasonable outcome.

Procedures

General

Sometimes situations can arise where a worker honestly believes that a decision by Bilingual Care has been made that is unfair or unreasonable, or negatively affects them. Where the staff member, on reasonable grounds, feels that a decision is unjust, they can raise a grievance in accordance with this procedure.

Staff can report grievances when:

- they have been victims of workplace harassment
- their health and safety has been compromised
- they've witnessed poor supervisor and/or management behaviour
- there are unjust changes made to the employment agreement
- policy guidelines are violated and/or
- there is a dispute between co-workers, suppliers, and/or management.

There are some circumstances that a grievance may not be lodged, and these are covered in other relevant policies and procedures. This includes:

- where the staff member has not already reasonably tried to resolve the matter with the person, or with their direct Manager
- a complaint about performance management of a staff member
- the decision/s relates to a Workers Compensation claim and
- matters that have been or are undergoing investigation by an external authority.

Disputes and grievances must be treated by all parties with the utmost confidentiality, and the complainant must not be victimised.

All grievances will be taken seriously and investigated in an impartial manner.

Disputes

Staff should attempt to resolve disputes with the other person before lodging a formal grievance. If attempts to resolve the dispute fail, staff must discuss the matter with the Managing Director.

The Managing Director will mediate and seek an acceptable compromise for both parties. If the dispute involves their manager or supervisor, the staff member must discuss the matter with the Managing Director.

Issues of sexual harassment or discrimination should be brought to the notice of the Managing Director as soon as practicable, for investigation in accordance with Bilingual Care*'s Workplace Incident Management Policy and Procedure*.

Formally Lodging Grievances

If a dispute cannot be resolved, the staff member should lodge a grievance in writing to the Managing Director. This should include the names of individuals concerned, details of the incident(s) and the names of any witnesses present. It should also detail:

- description of the decision/s or behaviour/s that are the subject of the dispute
- the manner in which the decision or behaviour has adversely affected the staff member
- the time and date of the decision/s or behaviour/s
- attempts made to resolve the dispute and

- the action the staff member deems necessary to resolve the grievance.

Investigating Grievances

Once a formal grievance is lodged, the Managing Director will investigate the matter within 5 working days. If the Managing Director has a conflict of interest in the matter, an alternate senior manager will be allocated to conduct the investigation. If this is not possible, an independent party will be appointed to conduct the investigation.

The following parties will be interviewed:

- the staff member who lodged the grievance
- the staff member against whom the grievance has been lodged
- any witnesses and
- the relevant Managers.

All parties involved in the investigation will be given equal opportunity to explain the circumstances and describe the matter from their perspective. Interviews shall be conducted with procedural fairness and be unbiased. Interviews and issues raised through the investigation will be documented.

Any person who is required to be interviewed as part of the investigation will be offered a support person to be present with them. The role of the support person is to provide emotional support; they are not able to answer any questions on behalf of the person they are supporting, or give their personal opinions, beliefs, or perspectives. A support person cannot be another person who is involved in the investigation of the grievance.

If Bilingual Care feels it is appropriate in the interests of health and safety for staff involved, and/or the efficiency of the investigation process, staff may be requested to refrain from attending work for a period of time whilst the investigation is underway. Alternatively, staff may be given different duties or work to perform while the investigation is being conducted. Staff who are requested to do either of these will be paid at their normal rate of pay during this period.

Regardless of whether the investigation is carried out by a Bilingual Care staff member, or by an independent body/person, the investigator will aim to follow the procedure set out below:

1. Clarify details of what took place and ensure that all necessary information is obtained.
2. Identify the outcome the complainant is seeking.
3. Discuss with the complainant their legal rights, including lodging a formal complaint with the relevant state or federal tribunal where applicable.
4. Discuss the complaint made with the person/s accused of inappropriate behaviour, bullying or harassment (if relevant).
5. Make a determination as to whether the alleged behaviour occurred and if it constituted bullying or harassment or contravened Bilingual Care's policies.
6. Bilingual Care will ensure a timely and appropriate resolution of the investigation is reached and communicated to all parties involved.
7. Where it becomes apparent that the complaint made related to conduct which constitutes misconduct or otherwise warrants disciplinary action, the Managing Director is to refer to the *Performance Management Policy and Procedure* for further action and resolution.

Confidentiality

Whilst the Managing Director will endeavour to preserve the confidentiality of the complainant and the person complained about, it may be necessary to speak with other employees or

people involved to determine what happened and to maintain the integrity of the investigation process.

Where potentially unlawful conduct has occurred, Bilingual Care will need to alert the appropriate authorities, such as the Police. This may also include providing protections for the complainant as per Bilingual Care's *Whistleblower Policy and Procedure*.

Those people who are involved in the complaint (including the complainant, witnesses etc.) are also under a duty to maintain confidentiality and display a commitment to uphold the integrity of the investigation process. If the complainant chooses to bring a support person with them to any meetings, the support person is also bound by confidentiality. Gossiping and/or the spreading of rumours as a result of, or in connection with, a process followed under this policy will not be tolerated under any circumstances and may lead to further disciplinary action for those concerned, as per the *Performance Management Policy and Procedure*.

Resolving Grievances

Where necessary, the Managing Director will:

- appoint an independent mediator to help resolve disputes and
- encourage a support person, union, or professional association representative in dispute resolution procedures.

Outcomes

The outcome of formal or informal complaint procedures will depend on the nature of the complaint, its severity and what is deemed appropriate in the relevant circumstances.

Substantiated Grievances

Where the results of an investigation suggest that an individual is guilty of discrimination, bullying or harassment, appropriate disciplinary procedures will be followed in line with Bilingual Care's *Performance Management Policy and Procedure*. The disciplinary action will depend on the nature and severity of the behaviour and may include termination of employment, which may be instant dismissal where serious misconduct is deemed to have occurred.

In addition to the remedies provided in the *Performance Management Policy and Procedure*, other action may be deemed necessary to resolve or remedy the behaviour complained of, including but not limited to:

- providing training to staff concerned
- requiring staff who have breached this policy to apologise to the appropriate person(s)
- adjusting working arrangements where appropriate
- providing counselling to employees (complainant and the person complained of)
- placing employees on performance improvement plans to ensure improved behaviour and/or
- providing coaching and mentoring

Where the complaint involves a contractor or agent of Bilingual Care and an investigation process reveals that a person has engaged in unlawful conduct or other behaviour which is prohibited by this policy, those concerned may face termination of their contracts immediately, or the contract will not be renewed in the future.

Unsubstantiated Grievances

If the grievance cannot be substantiated because of a lack of evidence, or it is considered a vexatious complaint, Bilingual Care may:

- remind all staff of their obligations under the *Staff Code of Conduct* and Bilingual Care's *Workplace Bullying, Discrimination, and Sexual Harassment Policy and Procedure* and/or
- ask relevant staff to undertake training in negotiation skills and dispute resolution.

If the grievance is found to be a frivolous claim, and depending on the seriousness of the allegations, the staff member making the complaint may be:

- asked to undertake counselling or participate in further training
- make a written apology to the staff member complained about
- given a written warning, transfer, or demotion or
- dismissed.

Appeals

Staff have the right to appeal decisions relating to disputes if they are unhappy with the outcome, or the way the complaint procedure was managed by Bilingual Care. Appeals should be directed in writing to the Managing Director. Once notified, the Managing Director will conduct a review of the procedure followed and the outcome issued and make a determination. This determination will be reviewed by the Leadership Team, who will make a final decision.

Staff who successfully appeal will have the outcome and actions reassessed for appropriateness. Staff who are not successful in their appeal will have the original decision reconfirmed.

A staff member who has raised a complaint or Bilingual Care may have the right to refer their complaint to an external party, such as the Fair Work Commission, if a resolution cannot be reached.

Supporting Documents

Documents relevant to this policy and procedure include:

- *Feedback and Complaints Policy and Procedure*
- *Performance Management Policy and Procedure*
- *Work Health and Safety Policy and Procedure*
- *Workplace Incident Management Policy and Procedure*
- *Workplace Bullying, Discrimination, and Sexual Harassment Policy and Procedure*
- *Whistleblower Policy and Procedure*
- *Staff Code of Conduct*

Monitoring and Review

This Policy and Procedure will be reviewed at least every two years by the Leadership Team. Reviews will incorporate staff, consumer, and other stakeholder feedback.

Bilingual Care's *Continuous Improvement Plan* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of Bilingual Care's service planning and delivery processes.

DOCUMENT CONTROL

Version No.	Issue Date	Document Owner
2.0	26/06/2026	MD
Version History		
Version No.	**Reviewed Date**	**Revision Description**