

# CHAPTER 29 LIMITED

## GRIEVANCE RESOLUTION POLICY AND PROCEDURE

---

### PURPOSE

The CHAPTER 29 LIMITED's purpose of establishing a grievance resolution procedure is to promote an environment where board members and other stakeholders can discuss and resolve concerns in a respectful, positive, and constructive manner, focusing on mediation and resolution rather than confrontation and conflict, while establishing and maintaining a safe and healthy organisational environment.

This document provides guidance on the process by which board members and other stakeholders may raise and address concerns, aiming for a fair and consistent approach.

### POLICY DETAILS

#### Application And Scope

This procedure applies to all CHAPTER 29 LIMITED board members, directors, and other stakeholders.

#### What is a grievance?

A "*grievance*" is a problem, concern, or complaint about any organisational matter or decision. It may be an act, omission, situation, or decision, that a board member or stakeholder believes to be unfair, unjustified, or contrary to CHAPTER 29 LIMITED policies or procedures.

A grievance may relate to any aspect of the organisation, for example:

- Safety and well-being within the organisation;
- Issues related to decision-making;
- Concerns about board actions or decisions;
- Conflict between members of the board or other stakeholders;
- Fairness in organisational processes or policies.

#### Guiding Principles

The principles which apply to grievances within the organisation are:

- Everyone has a right to be treated with respect;
- Board members and stakeholders should feel encouraged to raise any grievance, and all parties will be treated with support;
- Grievances will be addressed within a reasonable timeframe;

- The process will be guided by principles of procedural fairness and natural justice (i.e., the person against whom the allegation is made has the right to know what is alleged, the right to put their case in reply, and the right for any decision to be made by an impartial decision maker);
- Wherever possible, a non-adversarial and non-judgmental resolution will be pursued;
- At any stage, parties may appoint a support person to accompany them;
- Appropriate documentation will be maintained throughout the process as applicable;
- Grievances will be treated in confidence, and where confidentiality cannot be guaranteed, this will be clearly indicated;
- No one will be subjected to victimisation for raising a grievance.

### **Raising & Resolving A Grievance**

Grievances may be raised and resolved either through an informal or formal process. The decision as to whether to follow a formal or informal process is made by the individual affected by the behaviour, except in cases where the serious nature of the alleged misconduct warrants a formal investigation.

While it is expected that the individual concerned will raise the grievance, in some cases, a board member or director may observe or be informed of inappropriate conduct and subsequently raise the grievance. The Chair or another relevant board member can take independent action to address the issue (i.e., through speaking to the parties involved to try and resolve the matter) or refer the grievance to the appropriate committee.

### **Documentation & Record Keeping**

It is important to keep a secure and accurate record of incidents, noting what happened, when, and the names of witnesses.

### **INFORMAL GRIEVANCES**

The different ways in which an informal resolution process can take place include self-resolution or assistance from the Chair or other designated board members.

#### **1. Self-Resolution**

If possible, and where the individual is comfortable to do so, the CHAPTER 29 LIMITED encourages board members and stakeholders to address concerns directly with the person(s) who they feel have acted inappropriately, as soon as possible, and in a professional manner.

#### **2. Management Assisted Resolution**

If the individual feels they are not able to resolve the matter directly, they should discuss the matter with the Chair or another board member who can either:

- Facilitate a meeting and act as a mediator between the parties to find a resolution; or
- Speak to the person on the individual's behalf, conveying the concerns privately and reiterating any applicable CHAPTER 29 LIMITED policies or requirements relating to conduct and behaviour without assessing the merits of the case.

### 3. Board-Facilitated Resolution

Where direct resolution between board members is either not possible, appropriate, or successful, the next stage is to contact the Chair, who will appropriately address the grievance.

*Note:* At this stage, the grievance may be informal or formal, at the board member's discretion. If the board member wishes to proceed with a formal grievance, they will need to follow the formal grievance process.

Once any grievance has been raised, either formally or informally with the Chair, the focus will be on conciliation (i.e., mediation between the affected parties) as the preferred model for resolution.

### 4. Informal Resolution Outcome

In the event that the informal process is unsuccessful, the individual may decide to escalate the issue and make a more formal grievance.

## FORMAL GRIEVANCES

This procedure assumes that either the individual has submitted a request for a formal investigation, the informal resolution of the grievance has been unsuccessful, or the informal resolution is inappropriate, and the nature of the matter is serious enough to warrant a formal investigation or resolution.

- The formal grievance will need to be submitted in writing to the Chair or another designated board member, who will provide advice and support with respect to the process.
- The Chair (or another designated board member) will undertake a preliminary investigation of the grievance and will advise the board of the outcome.
- The board may carry out further investigations if necessary, including, at its discretion, referring the matter to an external mediator or conciliator.
- Should the grievance be substantiated as a result of the investigation, the relevant board member, in consultation with, and subject to approval by, the Chair and the Board of Directors, will determine and then take appropriate remedial action.

The remedial action will depend on the circumstances of the case but can range from advising the individual to more formal actions, including and up to termination of their position on the board or revocation of membership within the organisation.

- All parties to the grievance will be advised of the outcome.

## EXTERNAL RESOLUTION

Where the internal informal and formal grievance resolution processes have been either unsuccessful in achieving a suitable resolution or are deemed inappropriate, the CHAPTER 29 LIMITED may determine, at its absolute discretion, that the matter is to be referred to an external independent third party for investigation, mediation or conciliation (facilitating the discussion between parties and exploring options for a mutually agreed resolution).

## **INVESTIGATIONS & OBLIGATIONS**

Each party involved in the process shall:

- Fully co-operate with any investigation;
- Provide any CHAPTER 29 LIMITED document or CHAPTER 29 LIMITED device, including without limitation computer records, disks, portable storage devices and mobile handsets, in a person's possession or control relevant to the matter being investigated; and
- Not make any false or misleading statement or act in any manner calculated to or which is likely to mislead the Investigation Officer.

## **CONFIDENTIALITY**

The organisation will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other people to determine what happened, to afford fairness to those against whom the grievance has been made, and to resolve the complaint.

All people involved in the complaint must maintain confidentiality.

All documentation and details of grievances will be kept securely by the Secretary.

## **VICTIMISATION**

Appropriate remedial action may be taken against any board member, director, or other individuals who victimise or retaliate against another individual who has lodged a grievance in accordance with this procedure.

A complaint of victimisation will form a separate grievance from the original complaint of discrimination or harassment. The success or otherwise of the victimisation grievance does not depend on the outcome of the original grievance of harassment. As a result, it is conceivable that an individual could be absolved of liability in respect of the original grievance (because they have established a valid defence, for example), but could still be liable in respect of the victimisation grievance.

## **POSSIBLE GRIEVANCE OUTCOMES**

Depending on the nature of the grievance and the result of the process or investigation, the CHAPTER 29 LIMITED will make a determination of the grievance outcome, including what action may need to be taken to resolve the matter (which may include corrective or disciplinary action, where the alleged misconduct is substantiated, and it is deemed appropriate). The individual making the claim will have no role in determining the outcome of the grievance.

Examples of possible outcomes include, but are not limited to:

- The person against whom the grievance is directed to acknowledge, apologise for, and modify their behaviour (this may include a development or improvement plan, where appropriate);

- Training, coaching, or the implementation of a new policy or procedure to address the issue;
- Monitoring to ensure that the misconduct does not happen again;
- Making changes to the individual's working arrangements or environment; or
- Disciplinary action, up to and including removal from their position within the CHAPTER 29 LIMITED.

## TIMELINES

Board members, directors, or other individuals within the organisation are encouraged to raise any grievance as soon as possible after the alleged misconduct has taken place, to enable the matter to be adequately investigated and addressed.

Appropriate and reasonable timelines shall be set in any investigation of a formal grievance.

## QUESTIONS/FURTHER INFORMATION

Any questions about this policy should be directed to the Chair or an appointed Board Member responsible for overseeing grievance matters.

For further assistance, you may contact the **Western Australian Equal Opportunity Commission** at (08) 9216 3900 or visit their website for resources related to discrimination and harassment.

For complaints about unfair treatment or misconduct in the charity sector, you can reach out to the **Commonwealth Ombudsman** at 1300 362 072 or visit their website for more information.

Additionally, **WorkSafe WA** provides a free information service regarding bullying and harassment at (08) 9327 8800 or 1300 307 877.

Further information about related legislative requirements and provisions can also be found at [www.fairwork.gov.au](http://www.fairwork.gov.au).