

POLICY NO: A - 002
POLICY: GRIEVANCE POLICY & PROCEDURES
ORIGINAL POLICY: OCTOBER 2000
LAST REVIEW DATE: OCTOBER 2002
REVIEW DATE: CURRENTLY UNDER REVIEW

1. PRINCIPLES

To effectively deal with work related concerns or grievances RLSSA is committed to a policy based on the following principles:

- staff are consulted in the development of the agency policy and procedure;
- fair, impartial, just and confidential handling of concerns and grievances;
- action is taken promptly within agreed timeframes and procedures;
- parties are protected from victimisation; and
- the system provides employees with a choice of procedures. For example resolution at the workplace level through an informal procedure or a formal procedure.

2. WHAT IS A GRIEVANCE?

A grievance is a clear statement by an employee of a work related problem, concern or complaint, including those involving:

- the interpretation and application of an agency's people management policies. This includes allocation of work, job design, performance management;
- a workplace communication or interpersonal conflict;
- an occupational health and safety issue;
- an allegation of discrimination within the meaning of the *Anti-Discrimination Act 1977*, including harassment; or
- a question, dispute or difficulty concerning the interpretation, application, or operation of the employment contract or other agreement.

3. ACCOUNTABILITIES AND RESPONSIBILITIES

Accountability for people management, including the effective management of employee work related concerns and grievances should be an explicit part of the responsibilities in the job descriptions and performance agreements of chief executives, managers and staff.

Chief Executive

The Chief Executive has:

- A leadership role in demonstrating a commitment to the resolution of employees workplace concerns and grievances; and
- Accountability for ensuring there is an effective, timely, impartial and just system for dealing with employees work related concerns and grievances.

Managers

Managers and supervisors are accountable for:

- Encouraging employees to understand the agency's procedures for resolving work related concerns and grievances;
- providing timely and confidential assistance to employees, including:
 - advice on available options
 - where practicable and appropriate, attempting to resolve the issue at the local level through an informal procedure
 - advice on further action if a local resolution is not achieved
 - follow-up and monitoring when issues have been resolved
 - ensuring the parties are not victimised, and
 - keeping records in accordance with agency procedures.

Employees

Employees are encouraged to take prompt action on work related concerns or grievances in accordance with the agency's procedures.

4. AVAILABLE SUPPORT IN DEALING WITH GRIEVANCES

The right of employees to seek appropriate external support and assistance to deal with their work related concerns and grievances is respected and incorporated into RLSSA policy.

5. EXTERNAL AVENUES OF REDRESS

People should be informed, when relevant, of their right to have an issue dealt with by an external organisation such as the Anti-Discrimination Board or the Industrial Relations Commission.

6. GRIEVANCE PROCEDURES

Where a person, be they a member or an officer or other employee of RLSSA, a State Branch or an Affiliated Club has a grievance arising from their respective involvement in lifesaving, whatever that may be, with another such member, officer or employee, and that person considers the grievance warrants investigation and action by RLSSA that person shall follow the following procedure.

7. GRIEVANCE OFFICER

The person shall contact, either by telephone or in writing, the RLSSA Grievance Officer, appointed by the Council, and advise they have a grievance which they wish to discuss with the official. The identity of the nominated RLSSA Grievance Officer will be communicated by the Chief Executive Officer. Where a grievance is to be submitted in writing it should be addressed clearly to the RLSSA CEO and marked "Private & Confidential".

8. ACTION BY GRIEVANCE OFFICER

- a) Where the RLSSA Grievance Officer has received a grievance he shall, as soon as practicable, meet with, or discuss the grievance with the aggrieved party. The RLSSA Grievance Officer may take whatever steps and conduct whatever investigations necessary to determine the grievance is legitimate.
- b) Where the RLSSA Grievance Officer determines the grievance is legitimate they shall take all reasonable steps to resolve the grievance. If the legitimate grievance has not been dealt with by the State Branch from where the grievance arises, then the RLSSA Grievance Officer must refer it to the respective State Branch CEO. The State Branch CEO must then action the grievance within a reasonable time.
- c) Where the RLSSA Grievance Officer determines the grievance is not legitimate they shall advise the aggrieved party accordingly. If the aggrieved party is not satisfied with the RLSSA Grievance Officer's determination they may take whatever further action they consider necessary or appropriate including requesting the commencement of appeal action.
- d) Where the RLSSA Grievance Officer is unable to resolve a grievance or considers the grievance of a very serious nature they shall report the grievance to the Chief Executive Officer and/ or the Council for action.
- e) All grievances received by the RLSSA Grievance Officer, and all information surrounding the circumstances of a grievance which is discovered by the RLSSA Grievance Officer on investigation shall be confidential and may be communicated only to the Chief Executive Officer and/ or the National President.

Steps for an investigation consistent with the principles of natural justice are:

- 1. the complainant is interviewed and the complaint is documented in writing;
- 2. the allegations are conveyed to the alleged harasser in full;
- 3. the alleged harasser is given the opportunity to respond;
- 4. if there is a dispute over the facts, statements from witnesses and other relevant evidence is gathered;
- 5. a finding is made as to whether the complaint has substance; and
- 6. a report documenting the investigation process, the evidence, the finding and the recommended outcome/s is submitted to the decision maker (the senior official with responsibility for the anti-harassment policy).

- Both parties are entitled to support through this process from their chosen support person/adviser.
- If the report is endorsed by the decision maker, the organisation then carries out the recommendations of the report. These may include such actions as an apology, counselling, a fine, dismissal or withdrawal of coaching/official accreditation.
- Both the complainant and the respondent have the right to appeal against the findings of the investigator/panel or against the resulting recommended action if they have any concerns about procedure, bias or fairness. Appeals are handled by an appeal panel made up of members other than those who conducted the original investigation.
- The appeal body can uphold the decision of the investigator/panel, reverse the decision of the investigator/panel, and/or modify any of the investigator/panel's recommendations for disciplinary action or remedial measures.
- If the internal investigation, appeal and disciplinary procedures do not achieve a satisfactory outcome for the complainant, or if the complainant believes it would be impossible to get an impartial investigation within the RLSS Australia, he/she may choose to approach the Australian Sports Commission to assist with a resolution.

9. EXTERNAL

A complainant may be dissatisfied with the outcome of grievance procedures within the RLSS Australia, or may not wish to use procedures internal to the RLSS Australia at all because of a lack of confidence in them. In this case, the complainant can utilise external complaint procedures.

Harassment of various kinds is unlawful under state and federal anti-discrimination laws in Australia, and complaints under these laws are dealt with by state and federal anti-discrimination bodies.

A person experiencing harassment can seek initial advice from one of these bodies without being obliged to make a complaint. If that body advises that the conduct being experienced appears to be a type of harassment that comes within its jurisdiction, the harassed person then makes the decision as to whether or not to lodge a formal complaint to the body.

Once a complaint is received, an investigation will be undertaken. If there appears to be a case that unlawful harassment has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the matter may proceed to a formal public hearing, where a finding will be made as to whether harassment occurred. Various remedies may then be prescribed by the tribunal. These can include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred by the complainant.

It should be noted that an anti-discrimination body can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.