

Grievance and Complaint Procedure

Document Control

Owner: CEO

Approved by: People and Culture Committee

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Applies to: Directors, employees, contractors, consultants, volunteers, temporary staff and any other person carrying out ASA work or participating in ASA activities

Related documents: Code of Conduct; Bullying, Harassment, Discrimination and Victimisation Policy; Whistleblower Policy; Work Health and Safety Policy; Incident Reporting Procedure; Emergency Procedure; applicable contracts, awards, enterprise agreements and legislation

Version: 1.0

ASA is committed to maintaining a workplace and broader working environment where people are treated with dignity and respect and where there is no tolerance for unlawful discrimination, harassment, bullying, victimisation or other unacceptable behaviour. ASA is committed to addressing grievances and complaints fairly, promptly and consistently.

1. Purpose

This procedure sets out the resolution pathways available to ASA people who experience or witness unacceptable or unlawful behaviour in the workplace or in connection with ASA activities. It outlines how grievances and complaints may be raised, assessed and managed at ASA. It is intended to support early resolution where appropriate, provide a fair and transparent process, and ensure concerns are addressed consistently, respectfully and without victimisation.

2. Scope

This procedure applies to workplace grievances and complaints arising out of, or in connection with, ASA work, governance, volunteer activities, meetings, events, member interactions and other ASA-related conduct.

A grievance may include discrimination, harassment, bullying, inappropriate behaviour, victimisation or a breach of policy or legal obligation that applies to ASA. It may also include dissatisfaction about work, conduct, behaviour, communication, allocation of duties, workplace relationships, safety, or the application of policies and procedures.

A complaint may include an allegation of conduct that is inconsistent with ASA's Code of Conduct or another ASA policy, or that may be unlawful.

3. Matters dealt with under other processes

Some matters may be better dealt with under a specific policy or legal process. For example:

- protected disclosures under the Whistleblower Policy
- serious incidents under the Incident Reporting Procedure
- immediate safety risks under the Emergency Procedure or Work Health and Safety Policy
- complaints involving sexual harassment, sex-based harassment, bullying or discrimination under the Bullying, Harassment, Discrimination and Victimization Policy, noting that this procedure may still be used to support the process
- formal employment matters managed under a contract, award, enterprise agreement or applicable legislation.

4. Guiding principles

In managing grievances and complaints, ASA will seek to ensure that:

- concerns are raised and addressed as early as reasonably possible
- the process is fair, impartial and proportionate to the issues raised
- people are treated with dignity and respect
- information is handled sensitively and shared only on a need-to-know basis
- the person raising the concern and any person about whom the concern has been made have an opportunity to be heard
- victimisation, retaliation or detrimental treatment for raising a concern or participating in a process in good faith is not tolerated
- a person may have a support person in formal meetings where appropriate.

ASA provides a free, confidential and independent Employee Assistance Program to staff. ASA may also direct affected persons to other appropriate support where available.

5. How to raise a grievance or complaint

ASA encourages people to try to resolve concerns directly with the relevant person where appropriate and where they feel comfortable doing so.

A person is not required to do this where the matter is serious, sensitive, involves a power imbalance, or they do not feel comfortable.

A grievance or complaint may be raised verbally or in writing with one of the following, as appropriate:

- the person's manager or supervisor
- the CEO
- the Board Chair, People and Culture Committee Chair, or another nominated independent director where the concern is about the CEO or where escalation is otherwise appropriate
- the Board Chair where the concern is about a director other than the CEO
- the Deputy Chair or another nominated independent director where the concern is about the Board Chair
- the responsible event or meeting lead where the concern arises in connection with an ASA activity, noting that serious matters should also be escalated to the CEO or an appropriate director.

6. Escalation pathways

Without limiting section 5:

- if the concern is about a manager, it may be raised with the CEO
- if the concern is about the CEO, it may be raised with the Board Chair, People and Culture Committee Chair or another nominated independent director
- if the concern is about the Board Chair, it may be raised with the Deputy Chair or another nominated independent director
- if the concern is about a member or participant in an ASA activity, it may be raised with the CEO or the responsible event or meeting lead.

7. Preliminary assessment

After a grievance or complaint is received, ASA will undertake a preliminary assessment to decide how the matter should be handled. This may include clarifying the issues, assessing any immediate safety or welfare concerns, considering

whether another policy or process applies, and deciding whether informal resolution, facilitated discussion, formal investigation or another response is appropriate.

8. Informal resolution

Where appropriate, and with the agreement of the relevant parties, ASA may seek to resolve a matter informally. Informal options may include a conversation, clarification of expectations, facilitated discussion, coaching, an apology, agreed behavioural commitments, managerial guidance or a practical workplace adjustment.

Informal resolution may not be appropriate for serious allegations, repeated conduct, significant power imbalances, risks to health and safety, or matters that may warrant formal findings.

9. Formal process

Where a formal process is required, ASA will generally:

- acknowledge the complaint and explain the next steps
- appoint an appropriate decision-maker or investigator, taking into account independence, capability and any conflicts of interest
- provide the respondent with enough information to understand and respond to the substance of the allegations, subject to safety, privacy and legal constraints
- gather relevant information, which may include documents, witness accounts and meetings with the parties
- consider the information fairly and make findings or decisions on the balance of probabilities where findings are required
- communicate the outcome, including any action to be taken, to the extent appropriate and lawful.

ASA may appoint an independent external third party to assist with any aspect of the process where appropriate.

10. Responding to issues and interim measures

When responding to a grievance or complaint, ASA may take reasonable steps to:

- ensure people remain safe
- explain the process and expected next steps
- identify a point of contact for the parties

- offer Employee Assistance Program support or other available support
- put interim measures in place where reasonably necessary to protect people, preserve the integrity of the process or reduce the risk of further harm.

Depending on the circumstances, interim measures may include changes to reporting lines, temporary separation of parties, changes to duties, pausing volunteer or member-facing activities, directions about communication, or other reasonable steps.

11. Outcomes

Outcomes will depend on the nature of the matter and any findings made. They may include no further action, education or coaching, facilitated resolution, an apology, performance management, disciplinary action, changes to work practices, restrictions on attendance or participation, or referral to an external authority.

12. External options

A person may seek advice or assistance from an external body at any time, particularly where the matter involves legal rights, discrimination, sexual harassment, workplace bullying, safety issues or potential criminal conduct. External options may include the Fair Work Ombudsman, the Fair Work Commission, the Australian Human Rights Commission, a state or territory anti-discrimination body, the police, a work health and safety regulator, legal advisers or employee representatives, depending on the issue.

13. Record keeping, confidentiality and privacy

ASA will keep appropriate records of grievances, complaints, decisions and actions. Records will be stored securely and access will be limited to those with a legitimate need to know.

Confidentiality will be respected so far as possible. However, absolute confidentiality cannot be guaranteed where information needs to be disclosed to assess and manage the matter, protect health and safety, ensure procedural fairness, obtain advice, comply with legal obligations or take appropriate action.

14. Protection from victimisation

A person must not be disadvantaged, threatened or treated adversely because they raise a grievance or complaint, support another person, provide information, or participate in a process in good faith. Concerns about victimisation should be raised immediately and may result in separate action.

15. Review of formal process

A person who believes a formal process was materially unfair or contained

procedural deficiencies may request a review of the process within [10] working days of the outcome.

A review is not a rehearing of the matter. It will generally be limited to whether:

- the procedure was followed appropriately
- relevant information was overlooked
- a conflict of interest may have affected the outcome.

A request for review must be submitted in writing and set out the grounds relied on, together with any supporting information.

The request should be submitted to the CEO unless the CEO was the subject of the complaint, the decision-maker, or otherwise conflicted. In that case, the request should be submitted to the Board Chair or another nominated independent director.

Where possible, a response to the review request will be provided within 30 days.

16. Review of procedure

This procedure will be reviewed periodically by the CEO, with oversight from the People and Culture Committee, and after any material complaint trend, significant incident, legislative change or identified need for improvement.