



Upper Great Southern Family Support Association Inc

Policy On
**EMPLOYEE COMPLAINTS &
GRIEVANCES**

Date Adopted: July 2002

Date Last Revised: November 2012

Review Date: November 2013



UPPER GREAT SOUTHERN FAMILY SUPPORT ASSOCIATION INC.

Policy and Procedure: Employee Grievances	Date of Review: November 2012
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PURPOSE AND SCOPE

The purpose of this policy is to establish mechanisms for Upper Great Southern Family Support Association (UGSFSA) employees or volunteers and other unpaid persons (e.g., work experience participants and students on practicum) involved in UGSFSA business to lodge a complaint or grievance.

POLICY STATEMENT

UGSFSA is committed to ensuring that all staff of UGSFSA is free to lodge grievances, to have those grievances dealt with promptly, fairly and non-threateningly by UGSFSA and to have those grievances resolved in a satisfactory manner if possible.

PROCEDURES

The following procedures are to be implemented to ensure that UGSFSA meets its policy objective of ensuring that all staff is free to lodge and have resolved any complaints or grievances about UGSFSA, its consumers, its staff or its operations.

UGSFSA will:

- Have appropriate policies and procedures on the lodgement and resolution of employee grievances.
- Ensure that all UGSFSA's employees and volunteers are aware of their right to lodge a grievance and to have that grievance heard.
- Ensure that the hearing of any grievance will conform with principles of natural justice.
- Reassure staff that lodging a grievance will not prejudice them with respect to ongoing employment or career development opportunities.
- Ensure that the grievance and UGSFSA's response to the grievance is fully documented.
- Ensure that the Board of Management is informed of any grievances that are lodged and no actions will be taken by UGSFSA in resolving those grievances without prior approval by the Board of Management.
- Implement appropriate appeal mechanisms at both service management and Board of Management level.

PERFORMANCE STANDARDS

The following performance standards must be met to ensure that the procedures are implemented effectively:

1. All new employees and volunteers have been provided with a copy of the UGSFSA'S Policy on Staff Grievances and a staff copy of the policy is kept in each service outlet.
2. Initially, where appropriate, the CEO or the Chair will try to discuss the matter with the person concerned.
3. Staff who have a grievance with the Chief Executive Officer or are dissatisfied with the response they get from the Chief Executive Officer should approach the Chairperson or a Board member of their choice.

Staff dealing with a Service User or Staff Grievance should:

1. The Complaint Form template attached to the end of this policy will be used as the base for this.

2. Handle the matter in an objective and fair manner.
3. Listen carefully; all parties should have a fair chance to speak.
4. Act so the person has no fear of retribution.
5. Involve the least number of people possible.
6. Be prompt in their response. All grievances are to be dealt with within 10 working days.
7. Liaise with all parties, regularly informing them of what is happening.
8. Discuss possibilities for resolution and allow the complainant to control the direction pursued.
9. Keep the Chairperson informed.

GRIEVANCE PROCEDURE – STAFF WORK PERFORMANCE

If the poor performance is of an employee on probation then disciplinary action should be undertaken prior to termination (during the probationary period). Probationary employees can still claim Unfair Dismissal if their performance has not been managed. The Industrial Relations Commission only recognizes the first three months as the probationary period.

The number of formal warnings (written and verbal) given to employees prior to dismissal shall depend on the nature of the issues, industrial requirements, and any directions given by the Board of Management.

Any formal warnings that are given to employees (written and verbal) need to be documented, dated and signed by both parties.

Where the CEO has identified areas of poor performance and/or unacceptable behaviour a 4 stage plan is used:

Stage 1

The CEO should discuss with the employee their performance and/or behaviour on each occasions that poor performance and/or unacceptable behaviour is observed or reported. This should be timely, conducted in private and with a strong focus on the performance and behaviours that are required.

If the performance and/or behaviour are in breach of a Policy or Procedure then a copy of the relevant Policy and Procedure should be provided.

Stage 2

If the poor performance and/or unacceptable behaviour continue the CEO should notify the Board of Management and arrange to meet with the employee to discuss their performance and/or behaviour.

The CEO must all ensure they notify the employee concerned the Board of Management will be informed of the situation.

The employee has a right to be accompanied by another person acting in a non-legal capacity.

A letter will be sent to the employee to give notice of the meeting, and explain that the CEO will issue a verbal warning on the basis of the poor performance and/or unacceptable behaviour and invite them to put forward any explanation / mitigating factors.

If the performance and/or behaviours are in breach of a Policy or Procedure then a copy of the relevant Policy and Procedure should be provided, dated and signed.

The CEO should record the meeting and request that the employee signs a record of the meeting.

The CEO has the discretion to give a verbal warning. If a verbal warning is issued at the interview, it should subsequently be confirmed in writing to the employee, explaining the decision and the specific improvements they must achieve. It should also state that, if the required improvement is not achieved, a written warning may be considered.

Any verbal warning must be put in writing and should state that the employee risk having their employment terminated if there is no improvement. The employee must sign a copy of the written 'verbal warning' letter to confirm they have been issued with a verbal warning and notes surrounding the meeting(s) must be recorded.

Stage 3

If the employee' performance continues to be poor and/or they maintain unacceptable behaviour the CEO should inform the board of management and arrange to meet with the employee to discuss their performance and/or behaviour.

The employee has a right to be accompanied by another person acting in a non-legal capacity.

A letter should be sent to the employee to give notice of the meeting, and explain that the CEO will issue a written warning.

At the interview the CEO will summarise the employees Performance Appraisal Forms and the details of the previous review meetings and the reasons why a written warning is being issued and why the Agency will be

pursuing termination of their employment if the performance or behaviour continues.

The employee or representative shall have the right to respond and say whatever they wish in support of their position to include any mitigating circumstances.

If after careful consideration a written warning is issued a letter must be sent to the employee to confirm the relevant details. The employee must sign a copy of the written warning letter to confirm they have been issued with the warning and notes surrounding the meeting(s) must be recorded.

Stage 4

If the employee' performance continues to be poor and/or they maintain unacceptable behaviour the Board of Management should be notified.

A letter should be sent to the employee to give notice of the meeting, and explain that the CEO and Board of Management is considering termination of employment due to the employee's on-going performance and/or behaviours.

At the interview the CEO will summarise the Performance Appraisal Forms, and the details of the previous review meetings and the reasons why termination of employment is now being considered.

The employee or representative shall have the right to respond.

If after careful consideration by the Board of Management the decision to terminate employment is reached, then dismissal will be on the grounds of poor performance or unacceptable behaviours. If the employment is terminated, a letter must be sent to the employee to confirm the relevant details and offered a staff exit interview.

External Grievance Mechanisms

While it is preferable that grievances are resolved at the level at which they occur, this is not always possible. There are a number of external grievance mechanisms which consumers or staff may wish to utilise. These include the following:

People with Disabilities (WA) Inc
Disability Resource Centre
Ground Floor
5/189 Royal Street
EAST PERTH WA 6004
Phone 9222 2973
Fax 9222 2975
Toll free 1800 193 331

Guardianship Board
Public Guardians Office

Phone 9261 7620
Fax 9261 7673
Toll free 1800 807 437

Legal Aid Commission of WA
105 St George's Terrace
PERTH WA 6000
Phone 9261 6222

Confidentiality is assured in regard to complaints. However, in instances where the law is broken there is a need to refer the matter to the appropriate authorities. In such cases the Chairperson will make the decision in conjunction with the Board after consultation with all parties.

The policy has been framed around natural justice principles and individuals' rights as they are specified in the Equal Opportunity Act (1984), Disability Discrimination Act (1992), Sex Discrimination Act (1984), Racial Discrimination Act (1975), Human Rights and Equal Opportunity Commission Act (1986), Workplace Relations Act (1996), Minimum Conditions of Employment Act (1993), Occupational Health, Safety and Welfare Act (1984), Privacy Act (1988) and Standard 8 of the Disability Services Standards (1993). This policy applies to all of the UGSFSA's programs and activities

REVIEW OF THE POLICY

This policy will be reviewed on an annual basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.