

POLICY AND PROCEDURE

GRIEVANCE

Purpose

To detail the procedure that Environmental Advocacy in Central Queensland (EnvA) will follow to address any disputes that arise between management committee members, members, staff and volunteers to ensure we have respectful and harmonious operations where all participants feel safe, supported and valued.

Background

Disputes happen, but how easy or difficult they are to resolve can depend on how they are managed. A good dispute resolution procedure can help maintain a harmonious association and prevent costly litigation.

EnvA recognises that recognises open communication and feedback are essential elements of a productive work environment and is committed to reaching a speedy and just resolution of any dispute or grievance by management committee members, members or staff that may threaten the harmonious functioning of the association.

EnvA's Code of Conduct policy and procedure outlines the required standard of acceptable conduct and behaviour expected of all management committee members, staff, members and contractors in the performance of their duties and interactions in EnvA operations and activities.

The broad outline of a grievance procedure is also included at s43 of the EnvA Constitution:

43 Grievances

- (1) *The grievance procedure applies to disputes under these rules between:*
 - (a) *an employee and a member or the management committee*
 - (b) *a member and the management committee*
 - (c) *a member and the association.*
- (2) *If an aggrieved party wishes to engage the grievance procedure, they may do so by advising the other party in writing.*
- (3) *The grievance procedure may not be engaged by a person who is the subject of disciplinary action about a matter related to the disciplinary action.*
- (4) *The parties must then attempt to resolve the dispute between themselves.*
- (5) *If the dispute cannot be resolved within 14 business days, the aggrieved party may, within the next 14 business days, advise the secretary or a member of the management committee that the matter is to proceed to mediation.*
- (6) *A mediator must then be engaged and mediation must occur within 28 business days of the mediator's engagement.*

Related policy and procedures

- Code of Conduct
- Workplace Health and Safety

POLICY

Under this EnvA Grievance policy, a complaint can be made where a management committee member, member, staff or volunteer has an honest belief, based on reasonable grounds, that the conduct or behaviour of a management committee member, member, staff or volunteer breaches EnvA's Code of Conduct, and/or:

- constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality; and/or
- otherwise impacts negatively on another management committee member, staff member or volunteer.

This policy does not cover workplace disputes in relation to employee entitlements under the Fair Work Act or relevant Award(s).

Responsibilities

It is the responsibility of each management committee member and employee to:

- Be aware of this Grievance Policy and Procedure.
- To attempt, in good faith, to resolve any issues in accordance with this Policy and Procedure.
- Assist a complainant in understanding the grievance procedure when required.
- Ensure that disputes are handled respectfully, confidentially and in accordance with natural justice.

PROCEDURE

1. When to use the grievance procedure

The grievance procedure can help the aggrieved party resolve disputes with other members, the management committee, EnvA staff, volunteers or the association itself.

The aggrieved party can only use this grievance procedure if they are an EnvA member.

2. Starting a formal grievance procedure

To start the grievance procedure, the aggrieved party must advise the other party in writing. This is required as evidence in any potential mediation process.

It is important to note that a formal grievance procedure cannot be commenced for a matter for which the aggrieved party has been subject to disciplinary action or for which a disciplinary procedure or investigation is ongoing.

An aggrieved party may call on the assistance of a management committee member or EnvA staff member to assist with the process if desired.

3. Attempting to resolve the grievance

The aggrieved party and the other party have 15 business days from when the other party becomes aware of the formal grievance to try to resolve the issue.

If the matter cannot be resolved within that time (including if one party refuses to participate), the matter will proceed to mediation.

The aggrieved party will have 10 business days (or 25 business days from the written notification of the commencement of a grievance procedure) to advise the association's secretary that you wish to take the matter to mediation.

4. Commencing the mediation process

The mediation must occur within 30 business days of the appointment of the mediator. However, if the mediator is appointed by a Queensland Government Dispute Resolution Centre, mediation must occur on the date set by the Queensland Government Resolution Centre.

The mediator must be a person chosen by agreement between the aggrieved party and the other party. If the parties cannot agree on a mediator, the mediator will be chosen by the management committee depending on who you are in dispute with on the basis that:

- If the dispute is between the aggrieved party and another member, a mediator will be appointed by the management committee.
- If the dispute is between the aggrieved party and the management committee or the association, the mediator will be a person appointed or employed by a Queensland Government Resolution Centre.

A mediator appointed by the agreement of the parties or by the committee may be (but does not have to be) a member or former member of the association. In no circumstances will the mediator be someone who:

- has a personal interest in the dispute
- is biased in favour of or against any party.

5. The mediation process

The mediator cannot and must not determine how the dispute is to be resolved. Their role is to:

- give each party every opportunity to be heard
- allow due consideration by all parties of any written statement submitted by any party
- ensure that natural justice is accorded to the parties throughout the mediation process.

The purpose of mediation is to guide disputing parties to a mutually acceptable outcome.

Any meeting or mediation session may be conducted remotely by electronic means if agreed to by the parties.

A party to a dispute may choose another person (with their consent) to represent them at any time during the grievance process. The nomination and consent must be provided in writing to the other party, the management committee and, if relevant at the time the person consents to be the representative, the mediator.

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law i.e., can be taken to the Supreme Court.

Policy review

This policy is to be reviewed and updated whenever there is a request from an EnvA member or employee.

Revision history

Version	Author/Reviewer	Details of amendments	Date approved by management committee
1.0	Coral Rowston	First draft of a proposed Grievance policy and procedure	08/11/2022

Endorsement



James York
President
Environmental Advocacy in Central Queensland
8 November 2022