

We acknowledge the traditional custodians of this land, the Wurundjeri people, and pay our respects to the elders both past and present.

Grievance and Dispute Resolution		
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COMMENCEMENT OF POLICY

This Policy will commence from 10 December 2024. It replaces all other San Carlo Grievance and Dispute policies (whether written or not).

APPLICATION OF THE POLICY

This Policy applies to all employees of San Carlo. It does not form part of any employee's contract of employment.

This Policy does not apply to conflicts arising between employees.

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DEFINITIONS

DISPUTE

Dispute refers to a disagreement between an employee or employees and San Carlo regarding:

- A matter covered by the current Enterprise Agreement; or
- A matter covered by the National Employment Standards, including refusals made on reasonable business grounds.

GRIEVANCE

Grievance refers to a formal complaint made by an employee or employees against San Carlo. Grievances can be raised alongside disputes or on their own.

POLICY

San Carlo aims to establish mechanisms to promote fast and efficient resolution of workplace issues. Open communication and feedback are regarded as essential elements of a satisfying and productive work environment. Staff members should feel comfortable with discussing issues with members of Management. Management must ensure that all staff members are treated with fairness, equality, and respect.

Where a grievance or dispute has been brought to Senior Management's attention, they must refer to the grievance resolution procedure and the current San Carlo Enterprise Agreement. If there are any doubts or queries in relation to how to deal with a particular set of circumstances, Management can contact an external consultant for advice at the earliest opportunity.

All formal avenues for handling of grievances are fully documented and the staff member's wishes are taken into account in determining the appropriate steps and actions to be taken.

RESPONSIBILITIES

It is the responsibility of **Senior Management** and the **Chief Executive Officer** to ensure that:

- Ongoing support and guidance are provided to all staff in relation to employment and communication issues;
- All staff are aware of their obligations and responsibilities in relation to handling grievances;
- Any grievance that raised is handled in the most appropriate manner at the earliest opportunity.
- They identify, prevent and address potential problems before they become formal grievances;
- They are aware of and committed to the principles of communicating and sharing information with their staff;

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- All decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organisation in general;
- All staff are treated fairly and without fear of intimidation.

It is the responsibility of **all staff** to ensure that:

- They attempt to resolve any issues through the procedures outlined in this policy at the earliest opportunity in a professional and appropriate manner.

RESOLUTION

While a grievance or dispute is being resolved, all parties are expected to:

- Continue to perform their role as they would normally do unless there is a reasonable concern regarding health and safety; and
- Comply with directions given by San Carlo to perform work at the same workplace or another workplace, unless:
 - The work is not safe;
 - Applicable occupational health and safety legislation would not permit performance of the work;
 - The work is inappropriate for the employee to perform; or
 - There are other reasonable grounds to refuse.

PROCEDURE

RAISING GRIEVANCES AND DISPUTES

A staff member who believes that they have a dispute or grievance can raise the matter with their manager or supervisor as a first step towards resolution.

If the manager/supervisor is unable to find a resolution or the issue is not appropriate for them to deal with, the employee can take the issue to the Senior Management Team (SMT) or the Chief Executive Officer (CEO).

If the grievance or dispute is one of a confidential or serious nature involving the complainant's manager or supervisor, the complainant can discuss the issue directly with the SMT/CEO as a first step.

The manager must ensure the complaint is documented. Where possible, the complainant should also provide a written statement regarding their complaint.

RESOLUTION PROCESS

Organisation-Level Resolution

The parties involved in the dispute are assisted in discussing the matter openly and working together to achieve a desired outcome. All parties are to maintain complete confidentiality at all times.

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The person overseeing the resolution process should be an impartial third party. This person can help the complainant clarify the issue to ensure their concerns are fully understood.

Any parties to the dispute or grievance are given the opportunity to have an independent silent witness during investigation and resolution discussions.

The person overseeing the resolution process must ensure that the manner in which discussions are conducted is conducive to maintaining positive working relationships and provides a fair, objective, and independent analysis of the situation.

The following steps must be followed when holding discussions:

1. If more than one person is present, establish the role of each person.
2. Outline the process that is to be followed.
3. Inform the parties that any information obtained in the conduct of the review is confidential.
4. Listen to the complainant and diagnose the problem.
5. Take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation.
6. Provide each party with a signed, written summary of the meeting and clarification of the next steps to be taken.

Copies of all documentation and meeting summaries must also be provided to the CEO.

Following the meeting, a resolution should be reached. This should be done in consultation with both parties. The resolution must be documented, along with the reasoning for selecting those resolutions.

If either party is not satisfied with the outcome of these discussions and resolution, they can raise the issue with the CEO. The CEO reviews the documentation and conducts further discussions as required. The CEO can then choose to repeal the resolution if they deem it to be inappropriate.

If the grievance is not taken to a higher level within 2 months following initial discussions and resolutions, it will be considered to be settled.

External Resolution

If the grievance or dispute cannot be resolved at the workplace level, either party has the option to refer the dispute to the Fair Work Commission, who can assist by providing:

- Mediation, conciliation, and specific recommendations; and
- Drafting a Terms of Settlement document based on the outcomes of successful mediation.

If mediation is also unsuccessful, either party can choose to take the dispute to the small claims court.

Copies of documentation and meeting summaries from internal discussions can be provided to external resolution partners upon request. These documents must be handled in line with the Information Management policy and procedure

RELATED POLICIES AND LEGISLATION

POLICIES AND PROCEDURES

- 7.1.1 Equal Employment Opportunity
- 7.4 WorkCover and Return to Work
- 7.7 Privacy
- 7.16 Counselling and Discipline
- 7.17 Bullying and Harassment
- 7.20 Employment Separation
- 8.4 Information Management
- Code of Conduct and Ethics

LEGISLATION AND AGREEMENTS

- *San Carlo Homes for the Aged Enterprise Agreement 2020*
- *Fair Work Act 2009 (Cth.)*
- *Equal Opportunity Act 2010 (Vic)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*
- *Charter of Humans Rights and Responsibilities Act 2006 (Vic)*
- *Sex Discrimination Act 1984 (Cth)*
- *Racial and Religious Tolerance Act 2001 (Vic)*
- *Age Discrimination Act 2004 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Workplace Gender Equality Act 2012 (Cth)*
- *Occupational Health and Safety Regulations 2007 (Vic)*
- *Occupational Health and Safety Act 2004 (Vic)*

DOCUMENT VERSION CONTROL AND REVIEW HISTORY

Version	Date	Sections Modified	Author	Approved By	Next Review
1.0	01-10-2019	All	San Carlo	Rhonda Joiner	October 2020
2.0	20-10-2021	All	San Carlo	Rhonda Joiner	October 2023
3.0	10-12-2024	All	San Carlo	Rhonda Joiner	December 2027

AUTHORITY

This policy is authorised under delegation by:



Rhonda Joiner
Chief Executive Officer

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