

Complaints and grievances against employees policy

Subordinate Schedules	Discrimination and Harassment Complaint Resolution Schedule Employee Workplace Bullying and Harassment Complaint Resolution Schedule
Accountable Officer	General Manager, UniSQ Student Guild
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Relevant Legislation	Age Discrimination Act 2004 Work Health and Safety Act (2011) – QLD Work Health and Safety Regulation 2011 – QLD Anti-Discrimination Act 1991 Australian Human Rights Commission Act 1986 Crime and Corruption Act 2001 Disability Discrimination Act 1992 Disability Services Act 2006 (Qld) Equal Opportunity (Commonwealth Authorities) Act 1987 Fair Work Act 2009 Public Interest Disclosure Act 2010 (Qld) Public Sector Ethics Act 1994 Racial Discrimination Act 1975 Racial Hatred Act 1995 Sex Discrimination Act 1984
Related Policies	UniSQ Student Guild Work Health and Safety Policy UniSQ Student Guild Code of Conduct Policy UniSQ Student Guild Employee Complaints and Grievances Policy UniSQ Student Guild Employee Equity and Diversity Policy
Related Procedures	Disciplinary Action for Misconduct or Serious Misconduct Procedure Discrimination, Bullying and Harassment Complaints against Employee Procedure Employee Grievance Procedure

Definitions

Employee – a person employed by the UniSQ Student Guild and whose conditions of employment are covered by the UniSQ Student Guild Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include employees whose conditions of employment are covered by a written agreement or contract with the UniSQ Student Guild.

Complainant – a person who has made a complaint against another person of the UniSQ Student Guild community.

Complaint – an expression of dissatisfaction made in relation to an action, decision or omission within the responsibility and control of the UniSQ Student Guild, employee or board member, where a response or resolution is expected wherever possible.

Decision – a determination made by an employee, contractor or other authorised delegate in the course of their duties on behalf of the UniSQ Student Guild.

Formal Complaint – a written complaint lodged with the relevant delegate, which is dealt with through a formal process of the UniSQ Student Guild. It may lead to a formal investigation of allegations.

Informal Complaint – a complaint expressed either verbally or in writing to a relevant delegate, which is not dealt with through a formal process of the UniSQ Student Guild. It may involve a discussion with relevant parties in order to receive information and explore options on resolving the matter. It does not involve a formal investigation or the determination of evidence.

Grievance - typically defined as a concern or complaint raised by an employee against a process, action, omission or decision within the responsibility and control of UniSQ Student Guild which relates to employment or related internal human resources matter, which has or is likely to have an unreasonable negative impact on the ability of an employee to undertake their duties, or similar impact on their career.

Bullying - occurs where an individual or group of individuals repeatedly behaves unreasonably towards a person or group of persons (in this instance, an employee or group of employees), and that behaviour creates a risk to health and safety.

Discrimination - occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities.

Harassment - occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Workplace Bullying and Harassment - workplace bullying and harassment, under the Fair Work Act 2009, occurs where an individual or group of individuals repeatedly behaves unreasonably towards an employee or group of employees at work, and that behaviour creates a risk to health and safety. Within this definition:

- repeated behaviour refers to the persistent nature of the behaviour and can range in behaviours over time;
- unreasonable behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This may include but is not limited to behaviour that is victimising, humiliating, intimidating or threatening; and
- a risk to health and safety means the possibility of danger to health and safety.

Victimisation - any unfavourable treatment, or threats of unfavourable treatment against a person as a result of their actual or intended involvement in a complaint under the *Anti-Discrimination Act 1991* or under any of these procedures. The involvement might include making a complaint, supplying information and producing documents to someone making a complaint or appearing as a witness in a proceeding under the Act.

Vilification - the public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race, religion, sexuality or gender identify of a person or members of a group. It can take several forms including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature. Vilification includes threatening physical harm to a person or their property or inciting others to threaten physical harm to a person or to their property. Vilification is an offence against the *Anti-Discrimination Queensland Act 1991*.

1 Purpose

To ensure that UniSQ Student Guild (hereafter known as the Guild):

- offers a robust framework for managing and resolving discrimination, bullying and harassment concerns and complaints against employees of the Guild (hereinafter known as **employees**); board members and student club members; and
- supports the rights of employees, clients and contractors to achieve their full potential free from bullying, harassment, discrimination, victimisation, and vilification.

2 Scope

This policy applies to:

- all discrimination, bullying and harassment concerns and complaints raised against employees, board members, visiting clients and contractors, and

members of student clubs by any individuals involved in the Guild related activities.

3 Policy Statement

To support the rights of individuals to achieve their full potential free from discrimination, bullying, harassment, victimisation and vilification, the Guild will provide a robust set of principles, responsibilities and procedures associated with preventing and resolving complaints of this nature made against employees; board members and/or student club members.

In order to assist employees who are faced with circumstances in which they feel aggrieved, the Guild also provides a mechanism for raising a complaint or grievance in relation to internal human resources or employment related matters through its Discrimination, Bullying and Harassment Policy and through the Employee Complaints Policy.

The Guild emphasises a reciprocal approach to concerns, complaints and grievance resolution through informal processes where possible. These processes are designed to lead to a prompt resolution of problems in an expeditious and confidential manner, with access to formal mechanisms for resolving complaints and grievances if required.

4 Principles

The Guild will take all reasonable steps and actions to ensure that individuals covered under this policy will be treated fairly and with dignity and respect whilst working through any complaints or grievances.

The Guild will comply with its legal responsibilities in accordance with all relevant legislation.

The Guild acknowledges that individuals have the right to raise a complaint or grievance in accordance with this policy and that these rights are protected from certain unlawful actions including, but not limited to, adverse action.

All parties involved in complaint or grievance resolution processes are encouraged to participate in good faith and the principles of natural justice and procedural fairness will be observed.

Any breach of confidentiality may result in disciplinary action taken in accordance with the provisions of the relevant Guild policy or procedure.

The Guild will not normally investigate anonymous complaints unless the issues raised within the complaint are of a serious nature and sufficient information is provided.

All personal information collected under this policy and pursuant procedures will be held and used in accordance with the Guild's Privacy Policy.

4.1 Discrimination, bullying and harassment complaints against employees, board members or student club members

Discrimination, bullying and harassment will not be tolerated at the Guild under any circumstances and may in fact be unlawful under State or Commonwealth law.

As outlined in the Code of Conduct Policy individuals are responsible for making themselves aware of and adhering to the Guild's policy on all forms of discrimination, bullying and harassment.

Complaints of discrimination, bullying and/or harassment will be treated seriously by the Guild and will be managed promptly in a thorough and confidential manner ensuring that all individuals, including witnesses, are not victimised.

The Guild may initiate disciplinary procedure investigations immediately in response to allegations of conduct or behaviour that may be considered misconduct.

Where an individual has raised discrimination, bullying and/or harassment concerns but does not wish to lodge a formal complaint, the Guild has a responsibility to take these matters seriously. The Guild may be obligated to investigate these concerns further where they are considered to be of a serious nature and have the capacity to impact the health and safety, of individuals included in the scope of this policy.

The Guild's procedures and processes for resolving discrimination, bullying and harassment concerns and/or complaints are underpinned by the following principles:

- individuals making complaints will be supported by the Guild to make resolution decisions and to take action to resolve their concerns and will receive written acknowledgement of their complaint within 10 days from notification date;
- complaints will be dealt with as expeditiously as possible with resolution as close as possible to the source;
- complaints managed under this policy will normally be dealt with and finalised within a 90-day framework, where practicable;
- at any time, an individual may withdraw the complaint, seek assistance from a nominated representative, or lodge a complaint with an external agency, as appropriate;
- complaints will be rejected if a preliminary investigation of the facts indicates that they are found to be frivolous, vexatious, misconceived or lacking in substance;
- complaints which are made in good faith will not be considered to be vexatious, even if the complaint is not eventually substantiated.

- individuals are encouraged to raise genuine concerns without fear about unlawful, negligent or improper conduct where they fall within this policy and procedure;
- the Guild may initiate disciplinary procedure if investigations in response to allegations of conduct or behaviour are considered misconduct or serious misconduct;
- the Guild reserves the right to take disciplinary action against persons who knowingly lodge a vexatious complaint; and/or
- where required by legislation, the Guild may notify relevant external agencies and reporting bodies of matters as necessary.

4.2 Employee Grievances

A grievance is typically considered a concern or complaint raised by an employee against a process, action, omission or decision within the responsibility and control of the Guild which relates to employment, or related internal human resources matters, which has or is likely to have an unreasonable negative impact on the ability of an employee to undertake their duties, or similar impact on their career.

These types of complaints will be addressed under the Discrimination, Bullying and Harassment Policy of the Guild.

4.3 Frivolous and Vexatious Complaints and Grievances

Where complaints or grievances at any stage of an investigation or process are found to be unsubstantiated, misconceived, frivolous, vexatious or not lawful by reason of a provision contained in legislation, or in breach of this policy, the Guild may, by notice in writing addressed to the complainant, dismiss the complaint.

Employees who deliberately make false or malicious complaints may be subjected to disciplinary action.