

Staff Issue and Complaint Resolution Policy

Section 1 - Purpose / Objectives

(1) This Policy aims to:

- a. provide a framework for timely and fair resolution of complaints, where the nature of the issue or complaint is not addressed by any other specific University policy or legislation;
- b. support employees seeking to use self resolution or informal resolution in the first instance, to address issues that may have arisen in the workplace; and
- c. provide a reference point to direct employees to appropriate policies and specialist resources that are available to assist with the resolution of issues as determined by the nature of the issue or legislative requirement.

Section 2 - Scope / Application

(2) All employees must comply with all aspects of this policy.

RESPONSIBILITY

Executive Director, People and Culture

(3) The Executive Director, People and Culture is responsible for the:

- a. Implementation, and review of this policy; and
- b. Appointment of an appropriate Conciliation Officer to investigate and facilitate conclusion to a complaint lodged with the Executive Director, People and Culture.

Managers and Supervisors

(4) Managers are responsible for:

- a. Encouraging and modeling behaviour in accordance with the principles of the [Appropriate Workplace Behaviour Policy](#);
- b. Identifying, where possible, and addressing matters before they escalate to formal complaints;
- c. Creating and fostering an environment which promotes dignity, mutual respect, acceptance, cooperation and productivity amongst all members;
- d. Responding promptly, sensitively and confidentially to all issues and complaints brought to their attention in accordance with the provisions of this policy;
- e. Liaising with People and Culture to seek advice when required;
- f. Ensuring that they remain impartial and maintain confidentiality throughout any resolution process; and
- g. Treating all issue and complaints seriously and take appropriate action as outlined in this policy.

Employees and Co-worker Responsibilities

(5) All employees are responsible for:

- a. Behaving in accordance with the principles of the [Appropriate Workplace Behaviour Policy](#);
- b. Complying with this policy;
- c. Maintaining confidentiality at all times regarding issues or complaints being resolved; and
- d. Comply with any controls put in place.

Section 3 - Definitions

(6) Complaint: A work related issue or concern expressed by an employee about an act, behaviour, decision, situation, omission or problem that an employee perceives to be unfair or unjustified; or dissatisfaction about a work situation or a matter which adversely affects their work or work environment and where the employee wishes to obtain an action or response.

(7) Issue: A work related concern that is addressed using an informal/self resolution approach where the concern is not escalated to a formal written complaint.

(8) Conciliation: The process where the complainant and the respondent are assisted to reach a solution to the issue or complaint. The focus is on reaching amicable resolution of the complaint rather than concentrating on apportioning blame.

(9) Complainant: The person who has made a complaint.

- a. For the purposes of WorkCover Return to Work, the following people can raise a Return to Work issue:
 - i. Injured worker;
 - ii. Person nominated by the worker - the worker has the option to be represented, supported and assisted in the return to work process by another person;
 - iii. Occupational rehabilitation provider;
 - iv. Return to Work Coordinator;
 - v. Injured worker's manager or supervisor; or
 - vi. Worker's treating health practitioner.

(10) Respondent: The person against whom a complaint is made.

(11) The University: Refers to Victoria University.

(12) Victimisation: In the context of this policy, victimisation refers to the unfavourable treatment of a person as a consequence of their involvement in a complaint.

Section 4 - Policy Statement

(13) Victoria University is committed to providing a healthy, safe and supportive working environment that aims to maintain and improve good working, teaching and learning relationships.

(14) The University encourages discussion and communication between and among employees as a means of fostering co-operation and reducing misunderstandings. The University recognises, however, that sometimes issues do arise in the workplace. When issues arise, the University encourages where possible, the early resolution at the local workplace level before issues escalate to a formal complaint. Where issues or complaints do escalate, the University

will provide the opportunity for their satisfactory resolution in a positive and constructive way.

(15) Attempts at informal/self resolution under this policy does not affect employees' rights to pursue resolution processes under legislation or employment agreements relevant to the issue.

Principles of issue/complaint resolution

(16) The University is committed to the provision of fair and impartial processes in the resolution of all issues and complaints, and requires all parties to the complaint to act in good faith to obtain a resolution in accordance with the following principles.

Confidentiality

(17) Confidentiality must be maintained. Only those directly involved in the issue or who have a legitimate reason/need to know, will have access to information regarding the issue or complaint, subject to legal requirements for disclosure. Information arising from the complaint will only be used for the purpose of resolving the complaint and in accordance with this policy.

(18) Any employee of the University who becomes aware of information relating to a complaint must also maintain confidentiality.

(19) Breaches of confidentiality will be treated seriously and may result in disciplinary action.

Natural justice and procedural fairness

(20) The principles of natural justice will be applied to the resolution of any issue or complaint made by an employee of the University. Where the issue or complaint relates to another Victoria University employee, both complainants and respondents are entitled to be treated in accordance with these principles. The University is committed to the provision of fair and impartial processes in the resolution of all issues and complaints.

- a. A person raising an issue or making a complaint has the right to have that issue or complaint taken seriously but also has the right to withdraw the complaint at any stage.
- b. All parties to the complaint, including the respondent, shall have the right to know the particulars of the complaint and the right to respond to that complaint.
- c. There should be no reprisals or recriminations against persons raising an issue, lodging a complaint or helping someone raise an issue under these procedures. Should a complainant be found to have lodged an unsubstantiated complaint so as to cause vexation to the respondent, the University will consider disciplinary action against the complainant.

Representation and support

(21) Both the complainant and the respondent may have the assistance of a support person if they so choose or require.

Timeliness

(22) In the interests of employee health and well-being and workplace harmony, every effort will be made to identify an expedient resolution of the issue or complaint in accordance with the timelines.

(23) For the purposes of WorkCover Return to Work, as soon as possible, but no longer than 20 days after a Return to Work issue has been reported, the following persons must meet and try to resolve the issue -

- a. the employer;
- b. the Return to Work Coordinator; and

c. the worker.

Conflict of interest

(24) Those facilitating the resolution of a complaint shall not be biased or appear to be biased, nor have a vested interest or personal involvement in the matter of the complaint.

Right to take action

(25) While the guiding principle of this policy is to provide a non punitive resolution process, where breaches of legislation or policy are identified, the University may take appropriate action.

Section 5 - Procedures

(26) Prior to instigating action under this policy, employees must consider the nature and complexity of the issue in order to identify the most suitable resolution path. Attachment A assists employees to identify the relevant policy that addresses specific types of issues and the specialist area(s) that should be referred to for specific advice and direction.

Informal/Self resolution

(27) When an issue arises, employees who feel they are able are encouraged to attempt to resolve the issue personally at an early and informal stage before the issue escalates. Informal resolution does not require lodgement of a complaint in writing.

(28) Employees may seek to resolve the issue personally, in the first instance, by addressing the persons(s) involved directly. Where this is the preferred option the employee may seek assistance from their supervisor or an independent support person as well as seek advice from appropriate specialist areas as identified in Attachment A .

(29) Employees may also seek assistance from the Employee Assistance Program (EAP). The EAP is a confidential, externally managed program available at no cost to the employee. Qualified professional consultants may provide assistance to employees by working with them to develop strategies to resolve their issue.

(30) Self resolution is not a prerequisite for referring matters to a formal resolution process.

Self resolution guidance

(31) When raising their issue with the person(s) concerned, the employee should:

- a. Ensure they can clearly articulate the basis of the issue;
- b. Focus on the issue i.e. action or decision made, not the person;
- c. If appropriate, describe the effect the issue is having;
- d. Aim for conciliation, not assigning blame;
- e. Make a clear request regarding the resolution being sought;
- f. Bring relevant documents to the discussion if it is considered that these have not been adhered to for example, the applicable employment agreement, policy provisions, or strategic objectives; and
- g. Seek an agreed resolution. Where appropriate ensure the preferred resolution option is in line with the University's principles, policies or strategic direction;

(32) All parties involved are encouraged to monitor the situation to ensure the issue has been satisfactorily resolved.

Triggers for escalation of resolution procedure

(33) A formal resolution process should be followed where an attempt at self resolution is unsuccessful; the employee prefers formal resolution; the matter is inappropriate for self resolution; the issue escalates in seriousness; or one or more of the following are evident:

- a. Serious misconduct;
- b. Becomes a significant risk to health and safety; and/or
- c. Others involved refuse to participate in the attempt to resolve the issue or offer resistance that impedes the resolution process.

Formal resolution by nature of issue

(34) Where the nature of the issue relates to a matter specifically addressed by a University policy or employment agreement, employees should refer to that policy and follow the relevant complaint or reporting procedure in the first instance. Attachment A will assist employees identify the policies that address specific types of issues. Managers must follow the resolution procedures and adhere to their responsibilities in accordance with the relevant policy or employment agreement.

(35) This policy does not affect an employee's right to pursue the resolution processes under legislation or employment agreements relevant to the issue, for example discrimination under the Equal Opportunity Act 1995.

Formal resolution of complaints brought under this policy

(36) Where informal/self resolution is unsuccessful, is inappropriate as per section (31) above, or the employee prefers a formal resolution approach, the employee may raise the complaint with their immediate supervisor. The employee will advise the supervisor in writing of the substance of the complaint, any steps that have been taken to resolve the complaint and the outcome sought.

(37) Where the complaint relates to behaviour or decisions made by the supervisor and the complainant considers that it would be inappropriate to discuss the complaint with the supervisor, the complainant may refer the complaint to the next level manager.

(38) On receipt of a written complaint, the supervisor or next level manager with whom the complaint has been lodged will, within five working days if possible, take appropriate action to discuss the complaint with all staff concerned. The purpose of these discussions will be to find resolution of the issue/matter giving rise to the complaint.

Supervisor/management responsibility

(39) It is the responsibility of managers and supervisors to be vigilant in identifying, preventing and addressing potential problems that may arise in the workplace before they become complaints.

(40) When a formal complaint is lodged, the manager will treat the complaint seriously and sensitively, having regard for the principles of issue/complaint resolution as described above. When following the formal resolution process available in this policy, the supervisor will:

- a. Listen to the employee's concerns and preferred outcomes and clarify the details and nature of the complaint;
- b. Ensure the preferred resolution is in accordance with the University's Statutes, policies, strategic direction or employment contract;
- c. Inform the employee of the formal resolution processes available to them. If the complaint relates to an issue addressed elsewhere by a specific policy, assist the employee follow the processes outlined in that policy;
- d. Notify all parties involved that a complaint has been lodged and the details of the complaint;
- e. Review and investigate the complaint, and any previous attempts at resolution;
- f. If the complaint relates to a matter addressed by the University's Statutes, policies, strategic direction or staff

- agreements, review the relevant document to understand and identify if relevant provision(s) have been met;
- g. Hold a meeting with all parties involved to attempt to resolve the issue;
 - h. Assist in the identification and development of resolutions that are satisfactory to all parties aiming for conciliation;
 - i. Provide updates to keep those involved informed of progress;
 - j. Monitor the situation to ensure the issue is in fact resolved; and
 - k. Where the issue is not resolved, assist the employee to refer the complaint to the next level of management.

(41) Managers/Supervisors may at any stage seek advice and assistance from People and Culture in the resolution of issues or complaints.

Referral to the Next Level of Management

(42) Where discussion between the employee and their supervisor fail to resolve the complaint, the employee may refer the complaint to the next level of management above the supervisor (or next level manager where the complaint relates to the direct supervisor) for resolution with written documentation of previous steps taken. The senior manager must attempt to resolve the complaint following similar procedures outlined in section 39, 40 and 41 above.

Referral to People and Culture

(43) Where resolution cannot be achieved within the employee's own management structure within 10 working days and without appropriate notification of a reasonable requirement for an extension of time, the employee or supervisor may refer the matter to the Executive Director, People and Culture or nominee.

(44) The Executive Director, People and Culture or nominee will appoint an appropriately trained and independent person, not involved in previous discussions and negotiations, to endeavour to resolve the complaint. This person will be referred to as the Conciliation Officer for the complaint. The Conciliation Officer will be agreed between the Executive Director, People and Culture or nominee and the employee, and may either be an employee of the University or an external conciliator (at University cost).

(45) The Conciliation Officer will have access to all relevant documents, and will investigate the complaint and attempt to facilitate a fair and reasonable conclusion.

(46) Where agreement cannot be reached, the Conciliation Officer will prepare a written report for the Executive Director, People and Culture or nominee providing a recommendation on the terms of resolution.

(47) The Executive Director, People and Culture or nominee will refer the report to the relevant Principal Officer for final determination within 15 working days of receipt of the complaint by the Conciliation Officer.

(48) The Principal Officer will arrange a meeting with all parties involved to notify them of the determination and provided a copy of the conciliator's report. If the Principal Officer decided not to provide the conciliator's report, reasons will be provided within ten working days.

(49) The Principal Officer will oversee the implementation of the final determination and monitor the outcome.

Referral to the Ombudsman

(50) Employees who are not satisfied with the outcome of the complaint handling process, or believe that the University has not responded to the complaint in a reasonable time, may lodge a grievance with the Ombudsman. The Ombudsman is an independent statutory office holder whose role is to investigate complaints about administrative actions and decisions taken by State government departments and authorities, including universities.

(51) Complainants should put their complaint in writing to the Complaints Officer, Ombudsman Victoria and enclose

copies of any relevant documents.

(52) The Ombudsman will seek to determine whether complaints have been treated reasonably by the University and may recommend remedial action, if that is appropriate.

Section 6 - Guidelines

(53) Nil

Status and Details

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