

Complaints and Grievances Procedure

Title:	Complaints and Grievances Procedure
Type:	Procedure
Division:	Human Resources
BU/Dept:	Human Resources
Branch:	National
Intended for:	All Personnel
Versions:	<ol style="list-style-type: none"> 1. 29 Dec 2015 – General Manager 2. 13 May 2021 – Head of People and Wellbeing 3. 15 Sep 2021 – Head of People and Marketing

Scope & Purpose

Star recognises that workers' performance may be negatively affected where they are aggrieved or feel that they have not been treated fairly in the workplace and so provides a fair and transparent process for:

- managing and resolving concerns and complaints in the workplace, and
- provides appropriate mechanisms for Employees to raise a grievance or complaint on employment related matters.

Application

This policy applies to all Star Aviation employees

Roles and Responsibilities

Employees

Employees are to:

- understand and adhere to expected standards of workplace behaviour [Code of Conduct HRM-POL-0001, Workplace Behaviour Policy HRM-POL-0002],
- act promptly in respect of a complaint or grievance and not let them 'fester',
- attempt to resolve issues directly with the persons involved (where it is safe and appropriate to do so), and
- not raise complaints or grievances which are vexatious or without reasonable cause.

Team Leaders / Managers

Team Leaders/Managers are to:

- deal with any complaints received in a prompt, sensitive, impartial, confidential and supportive manner,
- deal with grievances in a supportive way,
- take all reasonable steps and actions to ensure that Employees are treated fairly and with dignity and respect, and
- assist in resolving issues directly with the person/s involved (where it is safe and appropriate to do so).

General Manager (GM) and Heads of Departments (HoD)

GM and HoD are to:

- deal with any complaints received in a prompt, sensitive, impartial, confidential and supportive manner,
- provide guidance/assistance to employees and Managers/ Team Leaders in managing complaints or grievances, and
- determine on a case-by-case basis the appropriate means of managing or resolving any issue escalated to them under this procedure.

What is a complaint?

A complaint is a concern, dissatisfaction or frustration with an aspect of Star Aviation. It could be related to a policy, procedure or another employee.

What is a Grievance?

A grievance is any type of problem, concern or alleged wrongdoing related to an employee's work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting on an employee, that the employee thinks is unfair or unjustified.

For the purpose of this procedure, complaint and grievance resolution is the same.

What is a Dispute?

A dispute exists when one or more people disagree about something and the matter remains unresolved. Disputes usually relate to a condition under the Award or National Employment Standards. Often disputes can be settled quickly and informally in the course of everyday work. However, if people can't agree on a way forward or if the dispute is about a serious matter, you might need a more formal approach.

Where a dispute cannot be resolved at the workplace level, the employee or the employer may refer the matter to the Fair Work Commission. The Commission can help in a number of ways:



1. Mediation – an informal process, where the Commission will work with all parties to figure out the best solution for everyone.
2. Conciliation – a semi-formal process, where the Commission will talk to both parties and discussions are held to help the parties come to an agreement about the solution.
3. Arbitration – a formal process, where if the parties are not able to agree to a solution the Commission can sometimes decide for them what the solution should be. This decision would only be made after the parties have had a chance to present their evidence and arguments.

Steps

The following steps are a guideline of the actions which can be taken once a complaint or grievance has been identified.

Informal Resolution

Self-Resolution

Where the individual complainant feels comfortable doing so, they should attempt to seek a resolution to the grievance themselves with the person/persons involved. The focus on self-resolution is to avoid escalation of grievances in the future, to produce a positive result for the maximum number of parties, and to encourage a culture where honest and constructive dialogue is valued.

Star Aviation does not condone behaviour, which is contrary to these objectives, and therefore will not tolerate individuals behaving in a confrontational, aggressive or abusive way in the pursuit of addressing a workplace grievance.

Some forms of unacceptable workplace behaviour such as serious misconduct should not be the subject of self-resolution. Employees and Managers should contact HR for guidance in this instance.

Report the grievance to Management

If the employee does not feel comfortable talking to the person(s) involved, or they have tried to and it was ineffective in resolving the grievance, or if there is no other person involved in the grievance, the employee should report the grievance in the first instance to their line-manager.

If the complainant does not feel comfortable reporting the matter to their Manager because the grievance directly involves them, the complainant should report the grievance to the next level Manager or HR.

If a Manager feels that they are unable to handle the grievance, then they must refer the grievance to HR.

Managers should:

- obtain information about the employee's personal grievance and what they consider will resolve it,
- explain how the personal grievance procedure works, and
- decide if they are the appropriate person to handle the grievance.

Managers can take a range of informal actions where:

- issues and concerns can be raised and promptly addressed with minimal formalities,
- parties can gain an understanding of each other's perspective,
- issues can be addressed before they escalate,

- employees may find agreement, where possible, to resolve the issues, and
- actions to prevent and resolve future conflicts can be established.

Informal actions that can often resolve the grievances include:

- the Manager attempts to resolve the grievance through informal discussions with the complainant and the respondent,
- the Manager facilitates a meeting between the parties in an attempt to resolve the issue and move forward.

Managers should refer to HR where the complaint could fall within the definition of unacceptable workplace behaviour.

Informal complaints concerning a Head of Department must be directed to HR.

Informal complaints concerning HR must be directed to the General Manager.

Note: Where an employee has raised an allegation of bullying, harassment or discrimination but does not wish to lodge a formal complaint, Star has a responsibility to take these matters seriously and may be obligated to investigate these concerns further where they are considered to be of a serious nature and has the capacity to impact on the employee's health and safety, or another employee's health and safety.

Formal Resolution

Where the grievance is not resolved at the first level or where the employee has attempted to resolve the grievance without success, or where informal resolution is not suitable, the employee can raise a formal grievance to their Manager.

If the complainant does not feel comfortable reporting the matter to their Manager because the grievance directly involves them, or if they are unsatisfied with their Manager's response in the first instance, the complainant should report the grievance to the Head of Department or HR.

Formal complaints concerning a Head of Department must be directed to HR.

Formal complaints concerning HR must be directed to the General Manager.

When formally reporting a grievance, the complainant will need to do the following:

- set out their grievance – this can be orally or in writing. If orally, the complainant may be asked to put the matter in writing,
- include full details of the grievance i.e. date/s, time/s, location/s, people involved, and reasons for the grievance,
- if any informal attempts to resolve were taken and the outcome of this,
- attach any evidence / supporting documentation,
- detail the desired outcome or remedy of raising the grievance.

Once a grievance has been raised with the Manager, the Manager will then determine how the grievance should be handled with regard to the steps set out below, or other appropriate measures which they think fit.

Work to Continue

Where appropriate, work should continue as normal in the workplace whilst an investigation is being undertaken into an alleged incident/grievance.

Unless there is a direct threat to the health and safety of any of the persons involved in the investigation, then all employees will be required to continue to work as per normal. If there is a threat to health and safety of any person involved, employee(s) may be stood down on full pay or asked to work from a different location or report to a different manager until such time as the investigation process has been completed and an outcome determined.

The Manager will inform any members of staff required to be stood down of this decision and the expected return to work date. This may be advised verbally but should also be followed up in writing.

Procedural Fairness

Throughout the process of any investigation under this procedure, all those involved in an investigation will be afforded, and will abide by the principles of natural justice and procedural fairness.

Procedural fairness includes:

- the employee should be fully informed of the issues (including any possible consequences), be given the opportunity to prepare and present their response at each stage of the process,
- genuine consideration of any response before a decision is made,
- not being unreasonably refused having a support person present, and
- making a decision on a suitable disciplinary penalty (including termination of employment) based on all relevant information.

Confidentiality

All parties involved in a matter being managed under this procedure (including managers, complainants, respondents and witnesses) must observe strict confidentiality.

The Manager will endeavour to maintain confidentiality as far as possible however, it may be necessary to speak with other employees in order to determine what happened and to afford fairness to those against whom the complaint has been made and to resolve the grievance.

Employees involved in the grievance are required to also maintain confidentiality, including the employee who lodges the complaint. If an employee breaches confidentiality, this may constitute grounds for disciplinary action [refer to Counselling and Disciplinary Procedure HRM-PRO-0001].

Record Keeping

Accurate and appropriate confidential records will be kept by the person/s responsible during the process.

Outcomes from the process

At the end of the investigation, the complainant and respondent are to be advised in writing.



This will inform the complainant and respondent that the investigation has been carried out and if the allegations are substantiated or not substantiated – it does not provide details to the complainant of the outcome or the action that will be taken against the respondent.

Where the allegations are admitted or substantiated

Outcomes for the respondent may include:

- disciplinary counselling
- an official warning
- a requirement to attend training
- a requirement to provide a formal apology to the complainant
- disciplinary action (e.g. demotion, transfer, suspension, probation or dismissal)
- participation in mediation to restore relationships in the workplace.

Where the allegations are not admitted or substantiated

Where allegations have not been admitted or substantiated, it may still be appropriate for the employer to take some action as a result of the complaint. For example, it may be appropriate to:

- provide refresher training for all staff regarding appropriate workplace behaviour, and/or
- re-issue certain policies/procedures or the Code of Conduct to all employees.

Where the allegations are not admitted or substantiated

If the complainant is not satisfied with the outcome, he/she may refer the matter to Star Aviation's General Manager. The appeal should be made within 7 business days of the advice of the outcome. The decision made by the General Manager is final and binding.

While this procedure is to assist in resolution, within Star Aviation, of concerns about behaviour of Star Aviation employees, nothing in this procedure is intended to affect the right of a person to approach an external agency in relation to their concern.

Vexatious claims / claims made without reasonable cause

While the majority of employee's complaints/grievances are actually genuine concerns about perceived or actual inappropriate or unfair behaviour or actions, on some occasions a complaint/grievance may be vexatious, frivolous or improper.

Vexatious means that:

- the main purpose of a claim is to harass, annoy or embarrass the other party or
- there is another purpose for the grievance other than the settlement of the issues arising in the claim (or response).

"Without reasonable cause" means that a claim is made without there being any real reason, basis in fact(s) or purpose. Such claims include allegations that are:

- so obviously untenable that the claim cannot possibly succeed,
- manifestly groundless and/or
- insufficiently particularised.

Where a claim is determined as vexatious or made without reasonable cause, the worker who raised the complaint will receive written notification of the determination which will include reasons as to why the complaint was deemed as vexatious and/or reasonable cause and may be subject to disciplinary action [refer to Counselling and Disciplinary Procedure HRM-PRO-0001].

Associated Documents

- HRM-POL-0001 Code of Conduct
- HRM-POL-0002 Workplace Behaviour Policy
- HRM-PRO-0001 Counselling and Disciplinary Procedure

