

## 1. Purpose

The purpose of this Policy is to provide guidance for raising and addressing grievances in the workplace. Maxima is committed to ensuring all employees are treated fairly by providing a process for dealing with complaints and grievances. Maxima will ensure that grievances are considered and managed in a way which aligns with our values and contributes to a safe and healthy work environment and continuous improvement.

## 2. Scope

This policy applies to all Maxima employees.

This policy does not apply to:

- Customer feedback about Maxima, Maxima employees or services provided;
- Performance Management processes or Performance Development Reviews;
- Health and Safety incidents.

## 3. Definitions

**Complainant** refers to the worker who raised the grievance, dispute or complaint

**Respondent** refers to the worker who the grievance, dispute or complaint relates to

**Grievance** means a complaint made on the grounds of an unjust act

**Employee** means a person who carries out work in any capacity for Maxima

**Manager or supervisor** for the purpose of this policy and procedure means a worker's direct manager or supervisor at Maxima, a Maxima representative at the host employer's premises, or a worker's manager or supervisor in their workplace at the host employer.

**Natural justice and Procedural Fairness** means handling a complaint made under this Policy in a way that is procedurally fair.

**Reasonable Management Action** is an action undertaken by a manager/supervisor to address, remedy, support or otherwise improve or correct staff performance and/or conduct, that would be viewed as appropriate by a reasonable person.

## 4. Principles

### 4.1 Complaints & Grievances

Complaints are a concern, dissatisfaction or frustration one may have with an employee. It could relate to an individual employee or a group of employees.

Grievances in the workplace may arise for various reasons. It could include behaviour from another employee, or a decision which makes an employee feel as though it is unjustified, unfair or is repeated behaviour.

Employees are encouraged to act promptly in relation to the reporting of complaints/grievances, and are to raise them as soon as possible, in accordance with this policy.

All formal complaints and grievances will be taken seriously, and in some cases may be subject to mediation or an investigation.

All involved parties are required to adhere to the following:

- Employees are encouraged to act promptly in relation to the reporting of complaints/grievances, and are to raise them as soon as possible, in accordance with this procedure.
- Make judgements and decisions impartially and fairly, treating all parties equally;
- Aim to resolve grievances/complaints locally and informally, escalate to the appropriate person or department if required;
- All employees involved in a complaint or grievance, must keep the details of the matter confidential and must not discuss the matter with anyone other than the person involved in resolving the matter

- Seek formal resolution if an informal process has been unsuccessful.
- Act in good faith, be truthful;
- Cooperate with the formal resolution process as required, which may include participation in meetings, providing information and contributing to a positive outcome;
- Provide all relevant details relating to the grievance, such as the nature of the matter, dates, times, locations and witnesses, Any attempts already made to resolve the grievance informally, and what outcome they are seeking;
- Comply with Reasonable Management Actions that are determined to resolve the situation;

Anonymous grievances with no identifiable source are difficult to investigate and therefore Maxima will determine the best course of action on an individual basis.

Should a grievance or complaint relate to neglect, misconduct, criminal or illegal behaviour or involve a customer/client, Maxima may be required to refer or report the matter to the police or the relevant commission such as the NDIS Quality and Safeguards Commission.

## 4.2 Procedure

If the employee raising the complaint or grievance feels comfortable to do so, they should attempt to speak with the person(s) involved, and attempt to resolve the matter directly. Any discussions should be conducted in a respectful and professional manner.

Should a complaint or grievance not be able to be resolved informally or if the nature of the matter requires a formal approach, we encourage for employees to lodge a formal complaint or grievance through the Grievance, Complaints and Compliments reporting system which is available on the Maxima Intranet.

When an employee raises a formal complaint or grievance, they may be asked to provide further details of the matter in writing or orally. The complaint or grievance will need to provide details of the alleged matter(s) which may include dates, times, locations and witnesses.

When a complaint or grievance is raised formally, the manager or People & Culture team representative will assess and determine the nature and severity of the concerns raised and whether the issue should be managed according to this policy, or any other Policy or Procedure may apply.

As the result of this assessment, a conclusion will be reached regarding further actions to be taken; this could be:

- Dismiss the complaint or grievance;
- Advise for the complaint or grievance to be handled informally;
- Advise for the complaint or grievance to be handled formally inside of Maxima;
- Refer to an external party, e.g. independent consultant or dispute resolution expert.

Not all complaints and grievances will require an investigation and this will be determined by the person investigating the grievance. Where an investigation is required, it will be undertaken in accordance with the provisions of Natural Justice and Procedural Fairness, and our Performance Management Policy/Procedure.

Records of any meetings, investigations, actions taken and outcomes achieved will be kept confidential and only disclosed on 'need to know basis' to parties involved in the grievance resolution

Employees are entitled to access Maxima's Employee Assistance Program during this time. This is a free and confidential service provided to employees of Maxima.

## 4.3 Confidentiality

Whenever complaints and grievances are resolved informally between the Complainant and the Respondent, parties must adhere to confidentiality and keep the matters private.

During a formal resolution, complaints and grievances will be kept confidential and disclosed on the 'need-to-know basis' to persons and parties involved. Whenever a Complainant wishes to remain unknown to the Respondent, their confidentiality will be maintained as much as practicably possible.

In some instances, information about the grievance and/or identity of the persons involved may have to be disclosed as part of legal or procedural obligations. Employees may be informed when and to whom this information must be disclosed to.

## 4.4 Reasonable Management Action

When resolving a complaint or grievance, Reasonable Management Action may be necessary. Reasonable Management Action undertaken is not bullying, harassment or discrimination.

Managers have an obligation to manage the performance of employees, which may include identifying performance and conduct issues and supporting employees in rectifying these.

The following are examples of what may constitute Management Action:

- Performance Development Reviews;
- Directing an employee to undertake additional training or seek counselling;
- Making changes to the workplace or procedures as long as they do not unfairly disadvantage a worker;
- Initiating a workplace investigation;
- Escalating a grievance or complaint to higher management and/or involving other parties as necessary;
- Performance Management and disciplinary actions as detailed in the Performance Management Policy and Procedure.

## 4.5 Illegitimate Grievances

While Maxima acknowledges that the majority of complaints and grievances are motivated by genuine concern about perceived inappropriate or unfair behaviour or actions, on some occasions a complaint or grievance may contain untruthful and inaccurate information.

If during an investigation or resolution process a complaint or grievance is found to be vexatious or malicious, it will result in disciplinary action against the Complainant.

Staff who believe they are the subject of a vexatious or malicious complaint or grievance should seek advice from their direct manager or People & Culture team.

## 4.6 Victimisation

Victimisation happens when a person has raised a grievance or made a complaint and is made a target of threats, harassment, or any adverse action because of this. Victimisation is not acceptable and will be treated as harassment.

Any instances of victimisation should be reported to the direct manager, People & Culture team, and/or the persons facilitating the resolution of grievance

## 5. Governing Documents

This policy was made in compliance or to assure compliance with Fair Work Act 2009

Maxima acknowledge the compliance requirements under both Commonwealth and State Work Health and Safety legislation and our relevant compliance commitments. For a complete list of legislation refer to the Legal and Other Requirements Register. You must contact the Risk and Quality team to provide the specific legislation (Act / Regulation) and standards that apply to this policy for inclusion in the 'Legal and Other Requirements Register'.

## 6. Breach of Policy and Procedure

Any employee found to be in breach of the requirements of this policy may be subject to performance management, disciplinary action, up to and including termination of employment.

## 7. Associated Documents

- [Bullying and Harassment Policy \(GP 205\)](#)
- [Code of Conduct \(GP 200\)](#)
- [Dress Code Policy \(GP 002\)](#)

# Grievances & Complaints Resolution - Policy & Procedure



- [Equal Employment Opportunity Policy \(GP 006\)](#)
- [Performance Management Policy \(GP 236\)](#)
- [Safe Organisation Policy \(GP 102-2\)](#)

## 8. Document Control

| Document Owner                                      |         |  |                |               |
|---|---------|--|----------------|---------------|
| Position  |         | Incumbent                                    | Approval Date  |               |
| General Manager People & Organisational Development |         | Jennifer Hyde                                |                |               |
| Version Control                                     |         |  |                |               |
| Date  | Version | Version Details                              | Author         | Reviewer/s    |
| 15/03/2005  | 1.0     | Issued for use                               | Gaye Winton    | Gaye Winton   |
| 20/02/2007  | 2.0     | Updated policy                               | Gaye Winton    | Gaye Winton   |
| 20/06/2012  | 3.0     | Updated policy                               | Lesley How     | Lesley How    |
| 20/06/2012  | 4.0     | Updated policy                               | Lesley How     | Lesley How    |
| 30/08/2013  | 5.0     | New footers                                  | Lesley How     | Lesley How    |
| 30/04/2014  | 6.0     | Reformatted                                  | Lesley How     | Lesley How    |
| 30/04/2015  | 7.0     | Change of titles and wording                 | Lesley How     | Lesley How    |
| 23/07/2018  | 8.0     | Training into the 4th dot point              | Lesley How     | Lesley How    |
| 17/08/2022  | 9.0     | Review and update. Merged Policy & Procedure | Simone Marrone | Jennifer Hyde |