

GRIEVANCE HANDLING POLICY

OVERVIEW

At Pro Health Care and any subsidiary companies (“**Pro Health Care**”) we aim to foster good relations amongst employees and between employees and management. We acknowledge that the enjoyment you experience in your job is reflected in how well you work and how well you relate to your colleagues and customers.

We also acknowledge that problems can arise at work that may sometimes cause you to feel aggrieved. These problems can sometimes arise from the behaviour or decisions of management or other employees.

The purpose of this policy is to allow you to have such problems, referred to as grievances, addressed internally in a timely and confidential manner.

A grievance can be about anything done, or not done, by management or another employee or employees, which you feel affects you unfairly or unjustly. A grievance can also be about discrimination, harassment, bullying or any other employment related decision or behaviour that you think is unfair, unjust or upsetting.

This Grievance Handling Policy outlines the procedures you should follow to try to resolve a grievance and also outlines the steps Pro Health Care will take to resolve your grievance if you make a formal complaint.

In so far as this policy imposes any obligations on Pro Health Care (i.e. those additional to those set out under legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees (i.e. those additional to those set out under legislation), they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee’s written employment contract.

Pro Health Care may unilaterally introduce, vary, remove or replace this policy at any time.

WHAT ARE YOUR OPTIONS IF YOU HAVE A GRIEVANCE?

In general there are three options to consider if you have a grievance, being:

1. **Deal with the matter informally.** A grievance can be dealt with informally by approaching the involved in your grievance, if you feel comfortable in doing so. You can tell them that their behaviour, decision, actions, etc. was unfair, offensive, discriminatory etc., and why you believe this to be so. The person may have been totally unaware of the effect of their behaviour or decision on you. By telling them you will give them a chance to redress the situation. This may not be appropriate in some cases, particularly if you do not feel comfortable speaking to the person.
2. **Speak to your manager or other senior person.** If you do not want to speak to the person directly, you can tell your manager about your grievance. They should be able to tell you what your options are. They may approach the person complained about and talk to them informally about your grievance. They may decide to take more formal action. Generally, they will seek your approval before doing anything – although sometimes they may decide that taking action will be necessary even if you do not wish them to do so (for example where failure to do so poses a health and safety risk). If your grievance is about your

Document Title:	Grievance Handling Policy	Document Version:	2.0
Release Date:	18 May 2021	Revision Date:	30 August 2021

manager, you may wish to speak to another senior person. Alternatively, you may decide to make a formal complaint.

3. **Make a formal complaint.** If you do decide to make a formal complaint, this can be done by putting the complaint in writing and reporting it to your manager (or other senior person). The written complaint should contain a description of the incident(s), decision, behaviour in question, the time and date of the incident(s), the names of any witnesses, your signature and date of the complaint.

GRIEVANCE ABOUT PROFESSIONAL CONDUCT/IMPAIRMENT/STANDARD OF CARE

If you have concerns about the professional conduct, impairment or standard of care provided by another staff member please speak to your manager or other senior person and arrange a meeting to discuss further. As concerns such as these can potentially affect patient safety it is better to address in a more formal and minuted group setting. The person involved will be made aware of the seriousness of the issue and also will have a chance to respond and improve on their professional conduct. There may be reviews or follow ups put in place. The rationale of this approach is to first address serious concerns internally. In the case of health professionals it is important to note there are mandatory reporting obligations that must be followed if there are sufficient ongoing concerns. Please refer to the AHPRA website regarding up to date guidance on these principles

IF I RAISE A GRIEVANCE, WHAT HAPPENS?

Grievances will be handled in accordance with the following guidelines:

- Grievances will be treated with the utmost confidentiality (except where Pro Health Care deems it is necessary to disclose the complaint for the purpose of dealing with it effectively; disclosure will be no wider than is strictly necessary). It is important that you also maintain confidentiality and do not discuss your complaint with others, unless Pro Health Care gives you permission to do so;
- Any grievance will be taken seriously, handled impartially, and any steps taken will be in accordance with the principles of procedural fairness;
- Employees who raise grievances are protected from victimisation; and
- Grievances will be dealt with promptly, taking into account all the circumstances.

THE INVESTIGATION

Where a grievance cannot be resolved informally, and Pro Health Care deems an investigation is required, the matter will be investigated by such appropriate person as Pro Health Care deems appropriate. This may be an external investigation.

How the investigation is to be conducted is at the complete discretion of Pro Health Care. The following are general guidelines only.

During the investigation, you will generally be interviewed first, following which any witnesses, the person against whom the complaint is made, and any other relevant people will be independently interviewed.

- If the complaint is substantiated, appropriate action will be taken (see below);

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- If the complaint is unsubstantiated, you will generally be given an explanation as to why that finding was made;
- If the complaint is found to have been fabricated or vexatious, appropriate disciplinary action may be taken against you, up to and including termination of employment.

WHAT ARE THE POSSIBLE OUTCOMES?

If the investigation reveals that your complaint is valid, a number of actions may be taken, depending on the nature of the complaint. The person against whom the complaint is made may be asked to give you a written apology, he/she may be given a written warning, counselling, transfer, demotion, or may be subjected to disciplinary action, up to and including termination of employment.

If the investigation is inconclusive, i.e. the complaint cannot be proved due to lack of evidence or the conduct is not sufficiently serious to justify disciplinary action, Pro Health Care may nevertheless take a number of actions. These may include training and/or monitoring of relevant employee(s).

If the complaint is found to have been completely fabricated or raised vexatiously, appropriate action may be taken against you in accordance with the Discipline & Termination Policy including counselling, a formal warning, transfer, demotion, or disciplinary action, up to and including termination of employment, depending on the seriousness of the circumstances.

RELATED POLICIES AND PROCEDURES

Employees are encouraged to read this policy in conjunction with other relevant Pro Health Care policies, including:

- Code of Conduct;
- Values & Ethos;
- Bullying & Harassment Policy;
- Equal Employment Opportunity & Discrimination Policy.

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