

1 Introduction

1.1 Purpose

The South Australian Health and Medical Research Institute (SAHMRI) is committed to providing an environment of mutual trust and respect for all staff and fosters the Institute's values of excellence, courage, imagination, integrity and teamwork. It is recognised, however, that on occasions inappropriate behaviours or matters may occur and that a complaints and grievance process may be required in order to resolve complaints or concerns about these matters and to prevent future conflict.

This policy aims to ensure that complaints and grievances are handled and resolved in an appropriate, fair, transparent and timely manner, and in accordance with the principles of procedural fairness.

SAHMRI's Code of Conduct and other relevant policies or procedures, Employment Agreement or applicable modern award, may also apply when considering complaints and grievances.

1.2 Scope

This policy applies to all SAHMRI staff, students and volunteers and will be referred collectively as "workforce".

2 Definitions

Complaint – an expression by a complainant of concern, dissatisfaction or frustration with an aspect of the complainant's participation as a member of SAHMRI's workforce, concerning matters such as the quality or delivery of a service, a policy or procedure, a decision, or the conduct of another person which arises from a grievance

Complainant – a person who makes a complaint

Contact Officer – a trained person nominated by SAHMRI to be available to listen to complaints and provide support, information and advice to a complainant.

Grievance – an alleged wrong or hardship suffered, which is the grounds of a complaint. It may arise, for example, from any action or inaction, behaviour, situation or decision impacting on a workforce member that he/she thinks is unfair or unjustified. It can relate to almost any aspect of employment or student/volunteer engagement and can include but is not limited to: workforce development or training, leave allocation, supervision, general work environment, interpersonal conflicts or difficulties, safety in the workplace, misuse of SAHMRI resources, and unethical behaviour.

Principles of procedural fairness – the principles which underpin procedures used when making a decision. In practice it includes:

- The respondent is to be treated as innocent until such time as the complaint is established
- Any complaint should be investigated promptly
- The substance of the complaint must be put to the respondent
- The respondent must be given the opportunity to provide a response to the complaint

Respondent – the individuals against whom the complaint is made and who must be provided with an opportunity to respond to the complaint.

Support person – person who, being reasonably available for the purpose, is selected by a complainant (or a respondent) to provide support to him or her during an investigation meeting. Other than in extenuating circumstances, a support person cannot act as an advocate during the

meeting. The support person cannot answer questions on behalf of the complainant (or the respondent).

Vexatious complaint / grievance – complaint or grievance which SAHMRI considers is:

- Instituted or pursued without reasonable ground
- Initiated to harass or annoy, to cause delay or detriment, or for any other inappropriate purpose
- An abuse of process

Workplace – any premises where SAHMRI conducts its business/operations. It includes premises where a member of staff, student or volunteer attends functions, conferences, training sessions as a 'representative of SAHMRI', as well as any premises where core work is undertaken

3 Policy Guidelines

This policy is designed to be a guide only and does not purport to prescribe the actions required to handle every instance of complaint/grievance within the spectrum of potential workplace conflict. Nothing in this guide prevents SAHMRI from undertaking an alternative process where it is deemed to be more appropriate for a particular circumstance.

In most situations, the steps below should be followed in sequential order.

Where the issue is not related to another workforce member, start at section 3.3.

At any point in time, if a resolution is achieved then no further steps will be required.

Contact Officers are able to provide advice and information about this procedure.

If you are a third party witness to a perceived breach of this policy, please contact Human Resources to raise your concern.

3.1 Address the issue directly yourself

If the complainant feels comfortable doing so, she/he should attempt to resolve the issue by discussing it confidentially with the other person (the respondent) as soon as practicable after it arises. If assistance is required, please contact Human Resources.

3.2 Refer the issue to the Contact Officer for cases of discrimination or harassment

Within the scope of the Contact Officer's role, the Contact Officer will assist a complainant with the handling, investigating and resolving with equality in employment complaints.

3.3 Refer the issue to your line manager

The complainant should refer the complaint, either verbally or in writing, to the line manager if the complainant:

- does not feel comfortable discussing the matter with the other person directly, and/or
- has unsuccessfully attempted to resolve the problem, and/or
- is experiencing a work-related issue that does not involve another person

The complainant may be asked to provide further information or a written outline of the complaint. The line manager may make notes of any discussions about the matter.

3.4 Refer the issue to Human Resources

The complainant should refer the matter to Human Resources, if the complainant:

- Is with a SAHMRI workforce member and the complainant doesn't feel comfortable discussing the matter with the person directly, and/or
- Has tried addressing the problem but is dissatisfied with the result, and/or
- Is experiencing a work-related issue that does not involve another person, and/or
- Has already raised the complaint with a line manager but the complaint remains unresolved

3.5 Investigation

The manager may undertake a preliminary assessment where a complaint or grievance has been brought to his or her attention.

Not every complaint or grievance will require formal investigation. The majority of concerns should be able to be resolved at an informal level between the complainant and his or her manager, or through other internal processes.

3.6 Support person

The complainant and respondent may each have a support person present during their interview.

3.7 Resolution

After the investigation is complete, and findings have been made (where required) a resolution of the matter will be determined by SAHMRI.

The resolution will be recorded in writing and a copy provided to the complainant and the respondent.

There are many possible options for resolution, including one or more of the following:

- Ongoing monitoring of the situation by the line manager
- Counselling or training/education, which may be provided by the line manager, Human resources or another appropriate person or organisation
- A formal apology
- Mediation between the complainant and respondent, facilitated by an independent person, where both parties agree to participate in the mediation process
- Formal disciplinary action in line with the **Employee Counselling and Disciplinary Procedure**

3.8 Escalation of complaint

If a workforce member is dissatisfied with their line manager's resolution of the complaint, they should discuss the complaint with the Human Resources Manager.

If a workforce member continues to be dissatisfied, the complaint should be referred to the Chief Operating Officer (COO) who will review the findings and the resolution. The COO may confirm or amend the resolution. The COO will inform the Executive Director accordingly.

3.9 Grievances with a member of the senior leadership team

If a complaint involves a member of the senior leadership team, the workforce member should raise this in the first instance directly with that person, if he/she is comfortable to do so. If he/she is not comfortable, then the Human Resources Manager should be contacted.

If the complaint remains unresolved, it may be referred in writing to the Executive Director who will determine an objective process to resolve the grievance in accordance with this policy. Any decision made by the Executive Director is final.

If the workforce member is dissatisfied with the decision of the Executive Director, refer to section 3.16 of this policy, but otherwise the decision of the Executive Director is final.

3.10 Grievance with the Executive Director

If a complaint is made against the Executive Director, it must be referred in writing to the Chair, SAHMRI Board. The Chair, SAHMRI Board will determine an objective process to resolve the grievance in accordance with this policy.

If the workforce member is dissatisfied with the decision of the Chair, SAHMRI Board, refer to section 3.16 of this policy.

3.11 Record keeping

Where appropriate, parties involved in a self-resolved grievance procedure under this policy may sign an acknowledgement of the agreed outcomes and keep this for their own records. In other circumstances, however, it may be unnecessary to record the outcomes of a grievance on an workforce member's personnel record, unless there is a disciplinary procedure followed as a result of an investigation. In such instances, details of disciplinary processes taken will be documented on the disciplined workforce member's personnel file, and on the file of the complainant where deemed appropriate by Human Resources.

3.12 Confidentiality

The complainant, respondent, witnesses and any other interviewee must keep all aspects of their participation in the investigation confidential. The SAHMRI decision maker may disclose information as may be required to obtain any legal or other assistance or advice which may be relevant for the purposes of conducting and determining the investigation.

3.13 EAP support

SAHMRI provides a free, confidential and independent Employee Assistance Program (EAP) to all staff, students and volunteers.

Workforce members may use the confidential EAP to seek professional counselling on any work related or non-work related matter. Refer to the **Employee Assistance Procedure**.

3.14 No victimisation / detrimental action

A complainant, witness, individual providing information, or support person will not be disadvantaged in their role with SAHMRI for making a complaint or being involved in an investigation. Examples of victimisation or detrimental action include ostracising, demoting or dismissing a person.

Victimisation / detrimental action may be regarded as serious misconduct and will be treated in line with the **Performance Management and Misconduct Policy** and may result in termination of employment. It may also have external legal implications for the person committing the victimisation / detrimental action.

SAHMRI also provides an external whistleblower service provider, STOPline, to provide confidential and independent services whilst also maintaining anonymity should a complainant require. To access this service go to: <http://sahmri.stoplilereport.com> Further information can also be obtained from SAHMRI's **Whistleblower Policy**.

3.15 Vexatious complaints

Disciplinary action may be taken against any person who makes a complaint which is vexatious (see definition).

Such a complaint may also have external legal implications for the complainant.

3.16 External agencies

This policy is designed to resolve complaints and grievances within SAHMRI. However, nothing in this policy is intended to affect the right of a person to approach an external agency in relation to their complaint. Refer to www.fwa.gov.au for more information.

4 Associated Documents

4.1 External

Some SAHMRI staff are covered by a modern award which may provide further information regarding entitlements and processes. Contact Human Resources if you have any questions.

4.2 Internal

- Code of Conduct Policy
- Equality in Employment Policy
- Performance Management and Misconduct Policy
- Work Health and Safety Policy
- Responsible Conduct of Research Policy
- Intellectual Property Policy
- Whistleblower Policy
- Issue Resolution, WHSE Procedure
- Employee Counselling and Disciplinary Procedure
- Guidelines in Managing Discrimination and Harassment Complaints
- Employee Assistance Procedure