

Grievance Policy



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Drafted by	Directors	Approved by Board on	25/07/2023
Responsible person	Directors	Scheduled review date	25/07/2024

Introduction

We believe that open communication and feedback are essential elements for the Food Co-operative Shop to function productively and achieve our stated aims.

We encourage members to resolve any issues or concerns that they may have informally at the earliest opportunity with each other or, failing that, to use the process outlined in the Grievance Policy.

The policy adopts a two-tiered approach.

- Firstly, **members are encouraged to settle minor disagreements amongst themselves.**
- If these escalate into disputes/grievances, **the process outlined under Division 2 s.129 of the Co-operative National Law (CNL, also outlined in The Food Co-operative Shop Constitution) must be followed.**

Purpose

The purpose of this document is to provide an avenue through which members of the Co-op can resolve work-related complaints as they arise.

Policy

All members and users of the Co-op are to be treated equally. The Co-op aims to create a space where people feel they can respectfully address and resolve concerns with one another. All formal avenues for handling grievances will be fully documented and the employee/volunteer's wishes will be taken into account in determining the appropriate steps and actions whilst remaining compliant with Co-operative National Law.

The Co-op aims to ensure that no employee, volunteer or member will be intimidated or unfairly treated in any respect if they utilise this Policy to resolve an issue.

Responsibilities

It is the responsibility of all members of the Co-opto ensure that:

- They identify, prevent and address potential problems before they become formal grievances;
- They act in a respectful manner in line with the Code of Conduct;
- They attempt to resolve any issues informally or through the Grievance Policy at the earliest opportunity;

It is the responsibility of the Co-management team and the Board to ensure that:

- All decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organisation in general;
- They are aware of, and committed to, the principles of communicating and information sharing with their employees and volunteers;
- Any grievance is handled in line with CNL at the earliest opportunity;
- All parties have an opportunity to have their say;
- Violations of the 'zero tolerance' policy in the Code of Conduct are dealt with swiftly and with urgency;
- All employees and volunteers are treated with respect, fairly and without fear of intimidation;
- All parties are aware of their obligations and responsibilities in relation to maintaining privacy and confidentiality;
- Reasonable ongoing support and guidance is offered all members throughout the grievance process;
- All parties are aware of their obligations and responsibilities in relation to handling grievances;
- An appropriate investigator is appointed if the board deems necessary.

Procedures

Employment Practices

If there are any doubts or queries in relation to how to deal with a particular set of circumstances, the party should contact the Directors or Co-managers for advice at the earliest opportunity.

Where a grievance or dispute involving an employee has been brought to the attention of the Board, they should assess whether the employee is covered by an Award or Agreement, and if so should refer to that document for grievance procedures. If the employee involved is not covered by such a document, the guidelines below should be followed.

Grievances and Dispute Resolution

Informal Approach to Minor Issues (i.e. misunderstandings or small complaints)

- Any party who believes that they have a minor issue or misunderstanding should first attempt to talk to the other party regarding the problem

- It is recommended that this takes place in a neutral and non-public, quiet setting.
- Ensure that the behaviours outlined in the Code of Conduct are followed.
- Resources are available on how to [hold a difficult conversation](#), giving [constructive criticism](#), [conflict resolution](#) and [resolving a misunderstanding](#).
- Ensure you bring an open mind into the discussion, listen actively to the other party, communicate with respect, compassion and openness, put yourself in the other person/s shoes and attempt to reach a 'win win' outcome.
- This approach is intended as guidance for settling small miscommunications or misunderstandings and other minor issues. This aims to stop such issues from becoming grievances or disputes. In line with CNL the formal approach below must be used for all major disputes .

Formal approach to Grievance and Dispute Resolution

Note that this section is based on Division 2 'Dispute resolution' in the CNL Model Rules and is part of the Co-op's constitution.

Not adhering to these rules is a legal liability for the Co-op and legal advice should be sought before taking a different approach to what is outlined here.

Any party who considers that they have a dispute or grievance that they have not been able to resolve directly with any other involved party should raise the matter with a Co-manager as the first step in the Grievance Policy Policy.

The Co-manager must then follow the steps outlined below:

- Make sure that the party feels listened to and supported. You don't have to agree with what they say, but you must make sure that they know you will act on their concerns.
- If more than one person is present, establish the role of each person.
- Outline the process that is to be followed as per Division 2 'Dispute Resolution' of the Co-operative National Law (below)
- Inform the parties that any information obtained in the conduct of the review is confidential, and only shared with Directors, third parties (i.e. mediators etc.) as absolutely necessary.
- Listen to the complainant. Obtain a chronology of events (who, what, why, when, how etc).
- Run through the relevant policies and procedures (e.g. Code of Conduct, volunteer agreement) with the complainant.
- Ask the complainant what kind of outcome they are hoping for (what is their best case scenario?) and then go through with them the next steps: e.g. you will contact the other member to arrange a meeting as per Division 2 of the CNL.
- Assure the complainant about the Co-op's commitment to confidentiality and non-victimisation. Explain that they cannot be adversely affected because they have made a complaint, and explain who to report matters to internally if they do feel that they are being adversely affected.
- Provide the complainant with plenty of time to ask questions.

- Offer the complainant assistance (such as links to support services such as Head to Health, ANU Health for ANU students/staff, Beyond Blue, LifeLine) or a way to get home or to another safe space safely if they are visibly upset.
- Provide the complainant with a direct contact number that they can call or email if they have any concerns or queries.
- Take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation. Ensure you take contemporaneous notes of all following actions (i.e. 'called NAME at TIME on DATE and discussed XYZ')
- If deemed necessary, provide the employee or volunteer with a written summary of the meeting and clarification of the next steps to be taken
- If you feel you do not have capacity for the conversation (i.e. for personal reasons), please respectfully inform the complainant that you will delegate the conversation to another Co-manager or escalate to a Director. Please ensure the other Co-manager and Director is fully briefed on the Grievance Policy

The Co-manager must ensure that the manner in which the meeting is conducted will be conducive to maintaining positive working relationships, and will provide a fair, objective and independent analysis of the situation. The Co-manager must ensure that CNLs129 is followed and facilitate the parties engaging in the process outlined in CNLs129.

All parties are to maintain complete confidentiality at all times.

If the matter is not resolved and a party wishes to pursue it, the issue should be escalated to the Board. Again, the matter is to be discussed openly and objectively with the Board or a representative Director to ensure it is fully understood. The Board reserves absolute discretion as to making a final decision as to how the grievance or dispute will be resolved but is bound by CNL..

Investigating a Grievance or Dispute

Procedural fairness, natural justice and transparency are key to a fair and risk-managed investigation. Maintaining procedural fairness means that you can:

- protect the interests of the participants in the investigation;
- enhance the credibility of the investigation process;
- rely on the investigation (and your findings) when making decisions; and
- defend your decisions in a court or tribunal.

If the mediator requests that an investigation should be conducted, it is the responsibility of the Board to appoint an investigator and ensure the following principles are followed.

The investigator should ensure that:

- the respondent is aware of all the allegations made against them in sufficient detail;
- the respondent is allowed a reasonable opportunity, including adequate time, to respond to each of the allegations;
- the investigation is carried out in a reasonable time frame;
- all participants are given the opportunity to have a support person in the interviews pertaining to the investigation;

- all participants are required to maintain confidentiality
- the investigator has no personal interest or bias in the matter being investigated;
- all participants are given the opportunity to respond to any contradictory evidence;
- the investigator makes reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.

The Importance of Impartiality

It is critical to ensure that the person responsible for carrying out an investigation is impartial. The investigator must not have a vested interest in the outcome of the matter. If a concern about impartiality is raised, it's important to consider:

- whether the use of an external investigator or mediator is necessary to ensure impartiality;
- whether any conflicts of interest need to be disclosed (e.g. if any individuals are friends outside the Co-operative); and
- whether the investigator has handled any previous disciplinary matters.

If there is the possibility that a person's employment or membership will be terminated if the allegations are proven as part of an investigation, then the Board should seriously consider the use of an external investigator to ensure that the investigation and the process followed will stand up in any potential court proceeding.