



LEGACY BRISBANE PROCEDURE

Resolving Workplace Grievances and Complaints

Procedure number: PC-PRO 007

Effective date: 16/06/2023

Approving authority: Chief Executive Officer

Sponsor: People and Culture Manager

Web address: <https://www.legacy.com.au>

Date for review: 16/06/2026

Version History

Date	Description of Change	Version
June 2017	Initial release	1
June 2020	Reviewed	2
16/06/2023	Removal of three levels of process, informal and formal resolution. Promotion of informal resolution and communication between parties, before escalation, if required. Language aligned to Legacy values and culture	3

1. Purpose/Objective

The procedure provides guidance and resolution pathways should a Legatee, employee or volunteer ever experience or witness unacceptable or unlawful behaviour at Legacy. This includes acts of discrimination, bullying or sexual harassment and a breach of policy, or legal obligation that applies to Legacy.

Legacy aspires to be an environment where there is no tolerance of discrimination, bullying or harassment behaviour, not because it is the law, because it is aligned to our values of Commitment, Understanding, Trust, Empathy and Respect. It is also the right thing to do.

We encourage Legatees, employees, and volunteers to try and resolve issues arising from unacceptable behaviour directly with the relevant parties in the first instance. Knowing your rights and responsibilities and the options available helps Legacy to remain a safer and happier environment for all of us.

Sexual misconduct often constitutes criminal activity. Legacy supports the right of current and former employees who have experienced sexual misconduct or sexual harassment to decide whether they want to report the incident to Brisbane police or the Human Rights and Equal Opportunity Commission (HREOC) or People and Culture Manager.

If your health and safety or others health and safety is being compromised as the result of unacceptable or unlawful workplace behaviour you should act immediately by raising this with your Manager, Group Chair or People and Culture Manager. **If necessary, please contact 000.**

2. Policy Relationships

PC POL-002

3. Procedure

3.1 Disclosure

Any individual, whether they are a member of the Legacy community or not, can make a disclosure and/or a complaint about a current or past event of sexual harassment or misconduct by a person covered by this procedure that is related to Legacy matters, whether it concerns themselves or someone else.

A disclosure and/or a complaint may be made anonymously.

Legacy recognises individuals will have different preferences in terms of how and to whom they wish to make disclosures and/or complaints.

Disclosures or complaints about all Board members, Legatees, employees, volunteers, contractors, and all other individuals engaged in activities reasonably connected to the Legacy community, can be made by contacting:

- Laura Dodd – People and Culture Manager (0404 884 153)
ldodd@legacybrisbane.org.au
- Brendan Cox – Chief Executive Officer (0420 998 922)
brendan.cox@legacybrisbane.org.au; or
- Paul Power – President (0456 679 673)
president@legacybrisbane.org.au

3.2 Managing disclosures

Legacy will take all reasonable steps to support the individual making a disclosure, recognising that the first disclosure may be the most important and how it is received may influence a decision to proceed.

Legacy may investigate a disclosure even when a complaint has not been made, for example, if:

- a) there appears to be a risk to the health or safety of the individual who made the disclosure or to another person or persons; or
- b) two or more individuals name the same person in separate disclosures or Legacy is concerned the disclosure may suggest a pattern of behaviour by the person about whom the disclosures are made;
- c) the individual making the disclosure is under the age of 18 (child) or persons affected or involved in the disclosure are likely to include or involve a child; or
- d) the disclosure involves allegations of criminal activity including for example rape, sexual assault, physical assault, stalking and child abuse and unlawfully dealing with a child.

Prior to investigating a disclosure, Legacy will provide the individual who made the disclosure with:

- a) an explanation for why the matter is being investigated;
- b) information relating to support for the individual who made the disclosure;
- c) the opportunity to be involved in the investigation process if they wish to do so; and
- d) an explanation of the confidentiality provisions in this policy, including access to and retention of information collected in the investigation.

3.3 Informal resolution -

The best way to take ownership of a situation is to attempt to resolve any grievances that arise on an informal basis.

Confronting difficult or challenging workplace issues is never easy but will provide significant benefits to the effectiveness of the team when done well.

If you are comfortable, have a conversation directly with the person involved. Choose a quiet area or book a meeting room, to discuss the issue.

Seek assistance

Seek advice from your manager, People and Culture Manager, or Group Chair on how to plan for the conversation if you decide to take an informal approach – they will provide you with advice on how to best resolve the grievance effectively by yourself.

Your manager or Group Chair may help you collect information, validate the facts, and will also need to gain an understanding of the context of your issue.

If you are unable to resolve your concerns using the informal grievance process, ask your manager or Group Chair for help in facilitating the conversation with the relevant parties.

They will:

- facilitate the conversation on your behalf and gain commitment of the relevant parties to any agreed actions;
- provide you and the other person with clear, honest and objective feedback based on the facts;
- provide advice, counselling and coaching to you and the other person on relevant behaviours, actions and expectations;
- work with you on monitoring the outcomes of the informal resolution process; and
- know when to escalate any matters to the People and Culture Manager, CEO or President.

If you are not comfortable referring your grievance to your manager or Group Chair, or if the informal process isn't working or the observed behaviour could constitute unlawful discrimination/sexual harassment/workplace bullying is serious, the formal resolution process set out below may be used in the first instance.

3.4 Formal resolution

Step 1 – Who to tell

If the grievance remains unresolved despite your best efforts to resolve it yourself, or you are uncomfortable with attempting to do so, please contact:

- Laura Dodd – People and Culture Manager (0404 884 153)
ldodd@legacybrisbane.org.au
- Brendan Cox – Chief Executive Officer (0420 998 922)
brendan.cox@legacybrisbane.org.au; or
- Paul Power – President (0456 679 673)
president@legacybrisbane.org.au

Step 2 – Write it down

Write down the issues you are aggrieved about in enough detail for Legacy to determine the most appropriate response to your concerns.

We expect receipt of this in writing as soon as practicable after verbally advising of the grievance.

Step 3 – Legacy response

In responding to your written grievance, the Chief Executive Officer and People and Culture Manager will take steps which include:

- The complainant's needs and wishes;
- ensure you are and remain safe in the Legacy environment, including protecting you from any reprisal (this may involve the standing down of the respondent during the investigation process);
- whether the complaint relates to a minor under the age of 18;
- what investigations or actions, if any, are available to Legacy;
- whether two or more people name the same respondent in separate complaints or Legacy is concerned the complaint may suggest a pattern of behaviour by the respondent;
- whether it is required to communicate the nature of the complaint to other authorities;
- where an investigation is required, if it will be undertaken either internally or by engaging an external expert and a report prepared;
- offer Employee Assistance Program (EAP) support;
- advise you of the processes you can expect; and
- advise you who will be your point of contact in Legacy during the process of review and resolution of your grievance.

These steps will be completed as soon as possible after your written grievance is received.

Legacy will work with you to determine the best response, considering your perception of the seriousness of the grievance and how you think it can be resolved.

These factors will be balanced against our understanding of the issues you raise, Legacy values, culture and relevant policies and procedures and legislation.

Legacy will ensure that all parties involved in the grievance maintain the appropriate degree of confidentiality in relation to the existence and resolution of the matter.

We will need to consider whether the issues raised by your grievance:

- can be confirmed by another person who is prepared to be interviewed regarding the grievance;
- whether the facts surrounding the cause of the grievance are in dispute;
- whether it is associated with an interpersonal relationship with another Legatee, work colleague or volunteer;
- are agreed by those involved;
- involves serious allegations of a disciplinary nature, counter allegations and multiple people and therefore will require a number of interviews in the review process; and
- are of a less serious, non-disciplinary or a minor disciplinary nature.

Following these initial determinations, the People and Culture Manager will advise you of the processes we will use in conducting any further review and/or in addressing the grievance you have raised.

Seek support

You or any other person involved in the grievance process may seek assistance from a support person at any point during the grievance process. This includes seeking support from a friend, family member, EAP or representative.

3.5 Investigation of a Grievance/Complaint

An appropriate Investigator will be appointed and:

- determine if interim arrangements are required for the parties during the investigation and, if needed, appropriate communication processes
- conduct the investigation in accordance with the principles of natural justice, meaning:
 - the respondent is aware of 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 required to maintain confidentiality and sign a confidentiality agreement;
- identify any people relevant to your complaint, discuss any evidence that exists, and may seek your views as to what you would like done to resolve your complaint expeditiously (e.g., an apology from the person, a written warning etc.);
 - explain what will happen if the complaint is found to be supported or not supported;
 - ensure all participants are given the opportunity to have a support person in the interviews; and
 - make reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.

After the investigation is completed, a report with findings and recommended actions will be provided to the Chief Executive Officer.

3.6 Possible outcomes

Legacy will ensure that the outcomes of the process are transparent to those involved and are fair, proportionate and appropriate.

Depending on the outcome of discussions between the parties, mediation or findings of a review process, anyone who is found to have behaved in a manner that does not align with Legacy values, breached policy, procedure or acted unlawfully may:

- be required to make an apology to the individual or group concerned;
- receive counselling support;
- participate in mediation to restore workplace relationships;
- attend discrimination, harassment and bullying training;
- receive a verbal and written warning;
- become subject to formal disciplinary action up to and including dismissal; and/or
- be subject to criminal proceedings and/or litigation.

Where the investigation into the grievance has determined that it involves matters of a non-disciplinary or minor disciplinary nature, Legacy may organise mediation to enable you and those you have a grievance with to come to a mutually satisfactory resolution.

All parties will be expected to participate in the mediation in a genuine attempt to resolve the matter.

If the mediation is unsuccessful and the grievance remains unresolved we will advise the parties of the potential disciplinary consequences of ongoing disputation and the CEO/President will consider what other people management strategies may be applied.

Where the outcome of an investigation is likely to result in disciplinary action up to and including dismissal, the delegated Manager i.e., Chief Executive Officer, People and Culture Manager and/or Board member, will decide the appropriate response. Any disciplinary action will be proportionate to the seriousness of the substantiated conduct and will take into account relevant mitigating factors.

If the complaint is found to be consciously vexatious, appropriate action will be taken against the complainant.

4. Responsibilities

Legatees, employees, volunteers	- Engage in a grievance management and resolution process in good faith, respecting the confidentiality of the process and its outcomes. - Submit the grievance in writing as soon as reasonably possible after the alleged conduct/behaviour has occurred, and after informal resolution has been unsuccessful, if appropriate in the circumstances. - Provide sufficient information to enable Legacy to take appropriate action. - Make a genuine and reasonable attempt to resolve grievances as promptly and informally as possible. - Continue to undertake work as directed by your Manager or Group Chair (except in the case of a genuine safety issue). - Have the right to be supported by a person of their choosing. - Be responsible for their workplace conduct. - Must not unreasonably refuse to participate in the management of their grievance, or understand that their grievance may not proceed.
Managers, Group Chairs	- Proactively identify and effectively manage workplace issues in accordance with Legacy Code of Conduct and policies and procedures. - Identify, prevent and address potential problems before they become formal grievances. - Decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organisation in general.

	- Any grievance is handled in the most appropriate manner at the earliest opportunity. - All Legatees, employees and volunteers are treated fairly and without fear of intimidation. - Create a safe environment to conduct courageous and supportive conversations. - Respond to, manage and resolve grievances in a manner that: - considers human rights and the principles of natural justice; - protects the privacy of the employee; - ensures employees are aware of the professional counselling services available to all; - ensures all relevant records are maintained in relation to the grievance; and - provides regular and timely information regarding any progress in the grievance matter to the relevant parties. - Where a perceived or real conflict of interest is identified in the management of a grievance, the grievance must be referred to the People and Culture Manager.
Chief Executive Officer	- The CEO reserves absolute discretion as to making a final decision as to how the grievance or dispute will be resolved. - Decisions about whether a case should be referred for formal investigation, addressed through alternative means (e.g., mediation), or not proceed. - Decisions about the nomination of an Investigator. - Decisions that serious misconduct has taken place and subsequent determination of proportionate disciplinary action.
Board	Decisions that serious misconduct has taken place and subsequent determination of proportionate disciplinary action of a Legacy member.
People and Culture Manager	- Determine preliminary view on whether the findings of the investigation constitute serious misconduct. - All managers, Group Chairs, employees and volunteers are aware of their obligations and responsibilities in relation to handling grievances. - Any grievance that comes to the attention of managers or Group Chairs is handled in the most appropriate manner at the earliest opportunity. - Decisions about whether a case should be referred for formal investigation, addressed through alternative means (e.g., mediation), or not proceed. - Decisions about the nomination of an Investigator. - Acts as Investigator, if deemed by the CEO.

Delegated Manager	The person responsible for making an outcome decision regarding a lodged grievance.
Investigator	Role undertaken by People and Culture Manager or an external workplace investigator, as deemed appropriate by the Chief Executive Officer.

5. Definitions

Term	Definition
Mediation	A process in which parties to a dispute, with the assistance of a third party, identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.
Grievance	Issue or concern relating to the work place, where the issue or concern is preventing people from performing their work related tasks and cause discomfort.
Complaint	Cause of discontent that is experienced by a grievance (within the context of this policy, the complaint is the submission of the grievance).
Procedural Fairness / Natural Justice	The idea of fairness in the processes that resolve disputes and allocate resource, e.g., a person who may be affected by a decision be informed of the alleged allegations against them they be given an opportunity to answer it.
Disclosure	An individual telling anyone who is part of the Legacy community of their experience or witnessing of sexual harassment or misconduct. Unlike complaint, disclosure does not trigger an investigation or action unless Legacy has a duty of care to do so. It may also be the first step prior to a complaint being made.
Complainant	An individual who has experienced the grievance and submitted a complaint.
Respondent	The Legatee, employee and/or volunteer who has been advised of the grievance or complaint.

5.2 Privacy, Confidentiality and Record Requirements

A confidential file will be created and maintained by the People and Culture Manager to provide a record of the grievance and subsequent action. If a grievance results in a formal warning, or disciplinary action, a record of the incident will be placed on the appropriate official personnel file.

Details of the grievance will be removed from the official personnel files after the expiration of five (5) years if there has been no repetition of the behaviour.