

1. Introduction

- Fishcare Victoria is committed to developing a harmonious, fair and just working environment.
- This procedure is intended:
 - to provide the means for early resolution;
 - to prevent personal conflicts becoming entrenched;
 - to resolve grievances in an effective manner, without delay, or to determine the matters in question when reconciliation has not proved to be effective.

2. Purpose

- The purpose of this procedure is to provide Fishcare Victoria staff with the opportunity to resolve a grievance concerning decisions that affect them or other matters about which they are aggrieved in their capacity as employees of the company.
- This does not interfere with the right of a staff member to seek assistance from a representative of their choice or to seek to invoke the power of an independent authority.

3. Responsibility

- It is the primary responsibility of the Executive Officer to identify, respond to and address problems in the workplace and to ensure that victimisation of either a complainant or a respondent does not take place.
- The Executive Officer needs to recognise the early signs of disharmony in their teams and to take early, sensitive and positive steps to prevent and resolve potential or actual grievances between their staff.
- The Executive Officer is responsible for listening to staff concerns, and reporting any grievances to the Committee.
- If requested, the Executive Officer will keep names anonymous.

4. Grievances

- Fishcare Victoria's grievance resolution procedure is based on the following principles:
 - Less formal and early resolution of grievances is encouraged.
 - Grievance resolution is an integral part of the Executives Officers duties.
- The grievance resolution process will be conducted as expeditiously as possible.
- The principles of natural justice and procedural fairness will be observed.
- These principles include:

- Any person who is subject of the grievance must be informed of all the allegations in relation to their behaviour;
- They must have a full opportunity to put their case;
- All parties to the complaint must have the right to be heard;
- All relevant submissions and evidence must be considered;
- Irrelevant matters must not be taken into account; and
- The decision maker must be impartial and fair in their dealings with the parties.
- Confidentiality will be respected and maintained at all times within the constraints of the need to fully investigate the matter, subject to any legal requirements for disclosure and consistent with the principles of natural justice.
- Where it is considered by the Executive Officers that the alleged actions or behaviours which constitute the grievance may amount to misconduct or serious misconduct, the matter must be reported to the Committee.
- Staff members should be advised that they are entitled, if they so request, to a representative at all stages.
- At all stages of the procedure the staff member shall continue to work in accordance with the legal directions of their nominated supervisor.
- If during these procedures the complainant takes the matter to an external authority, other than to seek advice, these procedures will cease forthwith and will not be re-activated if the recourse to the external authority is not successful for the complainant.
- Victimisation of either a complainant, respondent or any other person with a legitimate involvement in a grievance process will not be tolerated by Fishcare Victoria.
- Where two or more complainants have a common problem, this may be dealt with as a single grievance.
- Redeployment of a complainant or a respondent as a means of resolving a grievance will be used only as a last resort and subject to the acceptance of the head of the organisational unit to which the person is to be redeployed.

5. Procedure

- Before initiating grievance procedures, the complainant should try to resolve the problem directly with the person concerned if at all possible.
- The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing workplace relationships.
- Only where this is not possible, should the complainant proceed to the steps outlined below.

Step 1.

- The complainant should seek resolution of the problem at the earliest time possible.

- This might take the form of a direct approach in person, carefully and clearly stating the nature of the concern and what a preferred outcome might be.
- Alternatively, the matter can be raised verbally with the Executive Officers, or where the Executive Officers is the subject of the grievance, a member of the Committee.
- Only where this is not possible or appropriate, should the process move to Step 2.
- Once notified of a grievance, the Executive Officers must initiate discussions with the staff member as soon as practicable with a view to:
 - determine whether a genuine grievance exists;
 - gather information as required to assist with the resolution of the grievance; and
 - determine the appropriate course of action to resolve the grievance.
- The parties will be advised that any proposals for resolution will be implemented only with the agreement of all the parties.
- If the complainant feels that the matter has not been resolved at Step One, they may initiate formal proceedings under Step Two.

Step 2

- The complainant should state the nature of the grievance in writing, providing specific information and examples using;
 - ✓ Fishcare Victoria Grievance Form
- The written complaint should be provided to the Executive Officers, and must outline:
 - the details of the grievance
 - the efforts taken to resolve the grievance; and
 - the desired outcome/resolution.
- The Executive Officers should ensure that each party to the complaint and other relevant persons are interviewed separately at first instance, and where appropriate, further meetings with both parties may be arranged.
- At steps 2 and beyond:
 - a witness should be present to provide advice to all parties;
 - in cases of discrimination or harassment, the Executive Officers will notify the Committee.
 - Alternatives that may resolve the grievances should also be explored.
 - This might include mediation.
 - Mediation can only proceed with the agreement of all the parties.
 - At the conclusion of the investigation, the parties to the complaint should be brought together and advised of the relevant findings and proposal to resolve the issue.

- The parties will be advised that any proposals for resolution will be implemented only with the agreement of all the parties.
- Each party shall be asked to indicate whether they accept the proposal.
- If agreement is reached then this should be recorded in writing
- The Executive Officers shall ensure that appropriate steps have been taken to implement any remedial action necessary and to monitor the situation to ascertain both the effectiveness of this remedial action, and that victimisation of either the complainant or respondent does not take place.
- In the event the matter cannot be resolved, the Executive Officer shall advise the parties accordingly, and record the steps taken to resolve the matter and the issues that remain unresolved between the parties.
- It will be open to Step 3 to find that no substantive grievance exists and to direct the complainant accordingly.

Step 3

- In the event that the grievance relates to the Executive Officers, or the grievance has not been resolved in Step 2, the matter should be referred by the complainant to the Committee.
- All documentation related to the grievance and previous attempts to reach a resolution should be passed on to the Committee.
- A Committee member who has not previously been involved in the matter will attempt resolution of the grievance at Step 2, to resolve the grievance by interviewing the complainant and respondent and gathering any relevant information.
- The Committee member will recommend a resolution and attempt to obtain the consent of all parties.
- If the matter can not be conciliated in this way, Committee member will make a recommendation to Committee who will determine the matter and advise both parties of the actions which they need to take in the work-place.
- That decision will be final.
- Where a grievance is resolved at Steps 2 or 3 the parties to the grievance should sign the resulting agreement to acknowledge resolution of the grievance.
- Each of these three parties should keep a copy of the agreement, and a copy will be placed in the relevant employees permanent files.
- Such agreements shall be kept confidential and will serve as a record of understanding in the event the grievance is subsequently raised at a later date.

Endorsed by Committee

17th February, 2020

This policy can be updated as required