

Redland City Bands - Grievance Policy

Purpose

This policy provides a mechanism for Redland City Bands members, including Committee Members, and conductors ("RCB Members") to raise a grievance about organisational issues (including, but not limited to, discrimination, harassment, bullying, violence, vilification or victimisation) without fear of retribution and to enable corrective action to be taken where necessary. It will assist RCB Members to find a resolution to a grievance using an informal process and, where a grievance cannot be resolved informally, move to a formal process.

The grievance resolution process is also intended to assist Redland City Bands (RCB) in determining whether any inappropriate conduct has occurred, and if so, to take appropriate disciplinary action.

Scope

This policy covers all RCB Members as defined under the "Purpose".

This policy can be updated or amended from time to time by RCB Committee at its discretion. The current version of this policy can be accessed on the RCB web site.

RCB Members are required to comply with this policy. However, this policy does not impose contractual obligations on RCB rather, it is a guide only and RCB may adopt an alternative course of action at its discretion if the circumstances warrant it.

Policy

This policy should be treated as a guide only, as every grievance may require different treatment. RCB will endeavour to respond to all grievances in an appropriate manner, giving consideration to the circumstances, and the needs of the particular individual, who has raised a grievance, the individual(s) who are the subject of the grievance, other RCB Members who are witnesses or otherwise involved in the grievance process, and Redland City Bands.

The grievance resolution process includes both an informal and a formal process. Both approaches are described in more detail below. RCB Members may wish to discuss their options with a committee member, who can provide them with both support and resolution options.

Informal Grievance Resolution Process

The informal process is intended to give the RCB Member raising a grievance (the "complainant") the opportunity to resolve the matter in a personal and informal manner and gives an individual against whom a grievance has been raised (the "respondent") the opportunity to take corrective action in relation to their conduct.

It is possible that the respondent may not realise that their conduct and/or behaviour is causing a problem. Before any formal action is considered, where possible and appropriate, the complainant should attempt to resolve the matter by raising it directly with the respondent.

This could be done by either the complainant (or another individual on the complainant's behalf, such as a committee member) approaching the respondent and inviting them to a meeting regarding their conduct and/or behaviour towards the complainant.

At the meeting

The complainant may choose not to be present (although if they are present this is more likely to assist the resolution of the grievance on an informal basis).

The convenor (committee member or other relevant representative) should explain the grievance and ask the respondent to reply. If the complainant is present, the convenor will seek to facilitate a discussion between the parties.

The convenor should work towards resolving the matter between the parties. The aim of the convenor is not to prove or disprove the grievance but to assist the parties to agree on a mutually acceptable outcome to the situation.

Notes should be taken by the convenor in the event that the matter is not resolved, or the incident is repeated. Written communication, either electronic or hard copy, should be provided to both the complainant and the respondent confirming the agreed actions and/or outcome of the meeting.

Formal Grievance Resolution Process

If the informal process has been pursued and a satisfactory outcome was not achieved, or is considered inappropriate, the complainant may lodge a formal grievance. The process is detailed below.

Stage 1 – Initial Contact and Lodging of the Complaint

In order to make a formal grievance, the complainant must advise the RCB Committee in writing of the nature of the grievance and clearly state that it is a formal grievance.

Stage 2 – Initial Response

A member of the RCB committee will meet with each party separately to explain the formal process and advice regarding their respective rights and responsibilities. The discussion should include:

- the expected timeframe for the investigation and resolution of the complaint
- how the complaint will be investigated (e.g. interviews with complainant, respondent, witnesses, viewing documentation presented as evidence)
- who can be present at interviews
- whether parties can refuse to participate in the investigation
- what support mechanisms are in place and available to each party

Stage 3 – Investigation

The RCB committee will appoint a representative to undertake an investigation into the grievance. RCB, and its investigator(s), will endeavour to provide appropriate procedural fairness to all involved in the investigation process.

As part of the investigation, the complainant, the respondent and any witnesses will be interviewed separately.

The respondent, or other RCB Members involved in the investigation, may be stood down from rehearsals or other duties during the investigation (depending on the seriousness of the grievance).

Stage 4 – Outcomes

If a grievance is found to be unsubstantiated by the RCB Committee, no further action will be taken (unless it is determined that the complainant deliberately fabricated the grievance, in which case the complainant may be subject to disciplinary action).

If no further action is to be taken, the reason for this decision should be explained to both parties and documented in writing to both parties.

If a grievance is substantiated, the possible outcomes include:

- mediation – a process whereby parties are brought together to attempt to reach agreement as to how the grievance should be resolved and relationships re-established. Mediation is the preferred option
- an apology volunteered by the respondent
- agreed forms of future conduct and/or behaviour
- action to redress the conduct and/or behaviour which was the subject of the grievance
- transferring either of the parties to a different band
- counselling
- termination of band membership of the respondent. This would be subject to the rules of the Constitution, and is also subject to any Appeal under the Constitution.
- a review of the respondents contract where applicable

The decision made should be explained to both parties and they will be advised of this in writing.

Support Person

At every stage of the grievance resolution process, the individuals concerned or anyone who is interviewed during an investigation has the option of bringing a support person to meetings or interviews. This support person is there to provide emotional and moral support or act as a witness to the process and in doing so, assists in providing procedural fairness.

The support person must not take an active role in meetings or interviews. For example, they must not participate in or represent the RCB Member in the discussions, intervene in the meeting, seek to direct the process, ask or answer questions on behalf of the RCB Member or tell the RCB Member how to respond to questions asked of them.

Should a support person intervene, they will be warned that their actions are inconsistent with their role as a support person in the meeting and they may be asked to leave the meeting, or the meeting may be suspended or adjourned. RCB reserves the right not to allow a particular individual to act as a support person.

Victimisation

Victimisation occurs when a person is subjected to a detriment because they made a grievance in good faith or were a witness to or involved in the investigation of a grievance. RCB Members must not victimise anyone else as a result of their making a grievance or acting as a witness in relation to a grievance. Any RCB Member involved in victimising anyone may be subject to disciplinary action.

Withdrawing a Grievance

Grievances may be withdrawn at any time. In most cases, if a grievance is withdrawn, no further action will be taken, and the complainant will be deemed to consider the grievance resolved. However, where the Organisation suspects that misconduct has taken place, it reserves the right to investigate any such misconduct of its own volition.

Confidentiality

Discretion is important to protect the complainant, the respondent and other RCB Members involved in the grievance process. As such, RCB will endeavour to keep the grievance and the details of any investigation as confidential as is reasonably possible, having regard to the rights of all involved in the process. However, there may be circumstances in which full confidentiality cannot be maintained if the grievance is to be fully investigated or resolved. For example, the individual against whom a grievance has been raised, and the witnesses interviewed in any investigation, will need to be provided with appropriate details of the grievance, so as to allow them to respond.

RCB Members involved in investigations need to keep the grievance confidential and not discuss it with anyone other than those required or under the resolution process. Disclosing information about the grievance or the investigation could result in disciplinary action.