

DOCUMENT ID	FOL20/32/13
APPLICABLE TO	Diocese of Maitland-Newcastle Employees, Clergy, Contractors, Volunteers and other Workers of all agencies and parishes
DOCUMENT OWNER	Head of Human Resources
APPROVAL DATE	29 July 2020
APPROVED BY	Diocesan Leadership Group
LAST REVIEW DATE/S	March 2020
NEXT REVIEW DATE/S	March 2022
RELATED DOCUMENTS	<p>Workplace Grievance Management Guide Workplace Grievance Process – Informal Workplace Grievance Process – Formal</p> <p>Industrial Awards and Agreements:</p> <ul style="list-style-type: none"> ▪ Amusement, Events and Recreation Award 2010 ▪ Banking, Finance and Insurance Award 2010 ▪ Children's Services Award 2010 ▪ Clerks Private Sector Award 2010 ▪ Diocese of Maitland-Newcastle, Catholic Schools Office Staff Enterprise Agreement 2017 ▪ Educational Services (Teachers) Award 2010 ▪ Miscellaneous Award 2010 ▪ New South Wales and Australian Capital Territory Catholic Systemic Schools Enterprise Agreement 2017 ▪ NSW and ACT Catholic Systemic Schools Principals Multi-Enterprise Agreement 2017 ▪ Pastoral and Ministry Workers ▪ Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS Award) <p>Catholic Schools Office Code of Conduct Diocese of Maitland Newcastle Code of Conduct Integrity in the Service of the Church Integrity in Ministry Investigations Policy</p> <p>Legislation:</p> <ul style="list-style-type: none"> ▪ Age Discrimination Act 2004 (Cth) ▪ Anti-Discrimination Act 1977 No 48 (NSW) ▪ Australian Human Rights Commission Act 1986 (Cth) ▪ Disability Discrimination Act 1992 (Cth) ▪ Fair Work Act 2009 (Cth) ▪ Racial Discrimination Act 1975 (Cth) ▪ Sex Discrimination Act 1984 (Cth) ▪ Work Health and Safety Act 2011 No 10 (NSW)

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Purpose

The Diocese of Maitland-Newcastle, will deliver services consistent with the principles and standards detailed in the resources [Integrity in the Service of the Church](#), and [Integrity in Ministry](#), to ensure that all Workers are working in a safe environment, free from conflict.

This policy outlines the principles the Diocese of Maitland-Newcastle will follow when dealing with workplace grievances. The objectives of this policy are to: promote and maintain positive working relationships, and harmonious working environments; and to prevent, where possible, minor workplace grievances escalating and becoming more serious matters. To achieve this, workplace grievances must be managed promptly, confidentially and impartially.

Policy Statement

The Diocese of Maitland-Newcastle will ensure that workplace conflict is resolved in the best interests of each party involved.

Managing a Grievance or complaint is separate from managing a person's performance. Grievances are about matters identified by Workers as being of concern to them.

Managing issues around performance, including poor performance, unacceptable behaviour, or misconduct, are not covered by this policy. However, a Grievance may result in performance management being undertaken if misconduct, poor performance or unacceptable behaviour is identified as a result of the Grievance or Workplace Investigation.

A Grievance may be raised during performance management. While the Grievance will be considered by the Diocese of Maitland-Newcastle under this process, where appropriate, the performance management process will continue independently.

The Diocese of Maitland Newcastle reserves the right to have regard to a person's suitability to work within the Catholic environment and their ability and willingness to support Catholic values. It is critical that Catholic organisations are able to attract and retain staff who respect the teachings and practice of the Catholic faith.

All Grievances must be treated seriously, dealt with as soon as practicable and Workplace Investigations must be conducted in a fair, impartial and professional manner.

The principals for managing a Grievance will be maintained by the Manager responsible for managing the workplace grievance. These include:

- 1) Documentation relating to Grievances must be maintained and kept confidential. The level of detail required will depend on the type of Grievance that is raised. Relevant documentation of the Grievance will be kept within Human Resource's secure files. Documentation includes meeting minutes, file notes, emails and all correspondence in relation to the Grievance.
- 2) Observe natural justice by: clearly defining the process and informing all parties of the process, allowing all parties to have a support person attend any meetings, providing parties with adequate time to respond, providing an appropriate level of detail of allegations, and remaining factual and objective throughout.
- 3) Grievances must be managed in a timely manner, and without unnecessary delays;
- 4) The Manager/s managing the Grievance should ensure that if there is a conflict of interest, actual or perceived, that the matter is referred to an appropriate, independent party to be

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resolved. An appropriate independent party may be another Manager within the organisation or a suitably qualified external service provider.

Grievances may be resolved through one, or a combination, of the following mechanisms:

- 1) **Self-Resolution:** Where it is appropriate Workers are encouraged to resolve the issue themselves directly with the other party in the first instance.
- 2) **Managerial Assistance:** Where self-resolution has been unsuccessful or is not appropriate in the circumstances, or where a Worker is unsure how to handle the problem themselves, they should seek the assistance of their direct supervisor or Manager.
- 3) **Mediation:** a process in which the participants, with the support of a mediator, identify issues, develop options, consider alternatives and make decisions about future actions and outcomes. The mediator acts as a third party to assist the participants to reach their decision
- 4) **Formal Investigation:** If the Grievance is unable to be resolved to the satisfaction of all parties, the Diocese of Maitland-Newcastle may decide to commence a formal investigation undertaken by an independent person, either internal or external to the organisation.

Guidance on the appropriate mechanism is detailed in the Workplace Grievance Management Guide.

Scope

This policy applies to all Workers of the Diocese of Maitland-Newcastle.

This policy does not apply to any Grievance involving a Child or Vulnerable Person. Grievances involving Children or Vulnerable Persons must be immediately referred to the Office of Safeguarding.

Definition

For the purpose of this Policy:

Child

Child means an individual under the age of 18 years.

Diocese of Maitland-Newcastle

Diocese of Maitland-Newcastle means the Parishes within the Diocese and the following works:

- The Diocese of Maitland-Newcastle Catholic Schools Office;
- Catholic Schools within the Diocese of Maitland-Newcastle;
- Diocesan offices and shared services;
- St Nicholas Early Education;
- St Nicholas OOSH;
- Catholic Development Fund;
- CatholicCare Social Services Hunter Manning;
- Office of Safeguarding; and
- Development and Relief Agency

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Grievance

A Grievance, or complaint, is a statement (written or oral) raised by a Worker regarding a genuine work-related concern, such as an:

- Interpersonal conflict;
- A perceived breach of policy;
- the allocation of work or developmental opportunities; or
- A perceived unfairness in the workplace.

Manager

Manager means a Worker with additional responsibilities including supervising workers and/or administering a service area. Manager includes, but is not limited to, managers, team leaders, directors, principals, assistant principals, heads of services, parish administrators and business managers.

Psychological Counselling

Psychological Counselling is defined as to the provision of professional guidance and advice to support a person's emotional / psychological wellbeing

Vulnerable Person

Vulnerable Person means an individual aged 18 years and above who is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

Worker

A Worker is a person who carries out work in any capacity for an employer or Person Conducting a Business Undertaking. This includes employees, clergy, trainees, apprentices, work experience students, volunteers, contractors and agency workers.

In the Diocese of Maitland-Newcastle, Worker includes those who carry out work in the Parishes within the Diocese and the following works:

- The Diocese of Maitland-Newcastle Catholic Schools Office;
- Catholic Schools within the Diocese of Maitland-Newcastle;
- Diocesan offices and shared services;
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- St Nicholas OOSH;
- Catholic Development Fund;
- CatholicCare Social Services Hunter Manning;
- Office of Safeguarding; and
- Development and Relief Agency

Workplace Investigation

A Workplace Investigation is a formal investigation undertaken by an independent person, either internal or external to the organisation into the grievance following which the investigator provides a report with findings. Workplace Investigations must be undertaken in a confidential, timely, independent, fair and reasonable manner.

Policy Context

The policy should be read in conjunction with the [Workplace Grievance Process – Informal](#), [Workplace Grievance Process - Formal](#) and [Workplace Grievance Management Guide](#).

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Responsibilities

The **Head of Human Resources** (or nominated delegate) is responsible monitoring compliance with the policy.

Workers

Throughout all stages of the grievance resolution process, workers can expect:

- To be treated with respect.
- To receive advice and support from management.
- To identify desired outcomes that can be discussed with management.
- To have their workplace grievance treated seriously and managed in a fair, impartial and appropriately confidential manner.
- To be provided with information on the progress of their grievance and on any decisions made that may affect them.
- To have a support person present at any meetings they attend relating to the grievance.
- To have access to relevant records taken at meetings they attend to enable them to agree that they are accurate and true.
- To be protected against victimisation or harassment because they have raised a workplace grievance.
- To be able to withdraw a workplace grievance at any stage of the process.
- To be able to request a review of a decision or action in relation to their grievance.

Workers are responsible for:

- Recognising their role in contributing to a positive workplace environment.
- Understanding their own behaviour and considering how it may be perceived by, and impact upon, others at work.
- Raising matters of concern at an early stage and actively participating in the resolution process in good faith.
- Making themselves available to participate in relevant discussions and meetings to resolve the grievance.
- Not raising malicious, vexatious or frivolous issues.
- Maintaining appropriate confidentiality.
- Accepting that the resolution of the grievance may not always result in the outcome they sought.

Managers

At all stages of the grievance resolution process, managers can expect:

- To be treated with respect by all parties involved in the grievance.
- To receive support and assistance from senior management and HR as necessary.
- To be protected against victimisation or harassment for being involved in the management and/or resolution of the grievance.

Key responsibilities include:

- Ensuring that the grievance resolution process progresses as quickly as possible.
- Providing parties with relevant information about the process as it occurs.
- Providing appropriate support to the parties throughout the process.
- Protecting staff members from victimisation, harassment or discrimination.

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Employee Assistance Program

Dealing with Grievance at work can be difficult and at times distressing. The Diocese of Maitland-Newcastle endeavours to assist its Workers through the provision of a psychological counselling service. This service has an emphasis on assessment and referral rather than on going therapy and Workers and their immediate family voluntarily and confidentially seek professional assistance.

Managers should offer and encourage Workers to utilise this service. The Diocese of Maitland-Newcastle encourages Managers to also utilise this service for their own well-being. Confidentiality of individuals will be strictly adhered to and records of any consultation are not accessible to the Diocese of Maitland-Newcastle. The service is free for 3 sessions.

Our Employee Assistance Providers may be contacted on:

Newpsych Psychologists

Level 4, 77 Hunter Street, Newcastle NSW 2300

(Access via Bolton Street)

Ph: 4926 5005

www.newpsych.com.au

Access EAP

Head Office: 50 Crebert St Mayfield NSW 2304

Cardiff Office: 17 Kelton St Cardiff NSW 2285

Gloucester Office: 47 King St Gloucester NSW 2422

Maitland Office: 2/212 High St Maitland NSW 2320

Muswellbrook Office: 2 Francis St Muswellbrook NSW 2333

Singleton Office: 16 Cambridge St Singleton NSW 2330

Taree Office: 32-34 Pulteney St Taree NSW 2430 Ph: 1800 613 155

www.accessnewcastle.com.au

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