

Personal Grievance Policy

May 2018

1. Purpose of Policy

- 1.1 The procedures outlined in this Personal Grievance Policy (PGP) aim to achieve consistent treatment in the handling of personal grievances in the workplace and provide a procedure to follow in the event a personal grievance arises.

2. Commencement of Policy

- 2.1 This Policy will commence from 1st June 2018. It replaces all other personal grievance policies of New England Regional Art Museum Ltd (NERAM) (whether written or not).

3. Application of the Policy

- 3.1 This Policy applies to employees of NERAM, it is not part of employee's contract of employment.
- 3.2 NERAM may at its sole discretion, on a case by case basis, alter the manner in which the process outlined in this Policy is conducted to ensure it suits the particular grievance.

4. What is a grievance?

- 4.1 A grievance is any type of problem, concern or complaint related to an employee's work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting on an employee, which the employee believes is unfair or unjustified.

- 4.2 A grievance can relate to almost any aspect of employment, for example:

- a) safety in the workplace;
- b) staff development or training;
- c) leave allocation;
- d) supervision;
- e) rosters or hours of work;
- f) performance appraisal;
- g) transfer or promotion; and
- h) wage or salary levels.

The listed procedures apply to NERAM internal processes for grievances related to discrimination, harassment or bullying as per the NERAM Code of Conduct. These issues are also covered by legislation and further information about legal issue relating to discrimination, harassment and bullying is available from Fairwork Australia.

5. Dealing with personal grievances

- 5.1 NERAM recognises that an employee may not perform to the best of their ability if they feel they are being treated unfairly or are feeling aggrieved. Accordingly, NERAM will endeavour to provide a safe, fair and just working environment, by aiming to ensure that employees have access to processes for the resolution of genuine personal grievances related to the workplace.

- 5.2 As such, NERAM will use its reasonable endeavours to:

- a) encourage staff to come forward with personal grievances;

NERAM PATRONS:

● PATRONS:

HIS EXCELLENCY GENERAL THE HONOURABLE DAVID HURLEY AC DSC (Ret'd)
GOVERNOR OF NEW SOUTH WALES, AND MRS LINDA HURLEY

● VICE-PATRONS:

THE HON BARNABY JOYCE MP, MEMBER FOR NEW ENGLAND
MR ADAM MARSHALL MP, MEMBER FOR NORTHERN TABLELANDS
DR PHILIP BACON AM, DIRECTOR, PHILIP BACON GALLERIES
MR BARRY PEARCE AM, EMERITUS CURATOR, ART GALLERY OF NSW

- b) deal with personal grievances in a supportive way, without victimisation or intimidation of any person connected with the grievance;
- c) encourage fairness, impartiality and the resolution of personal grievances as reasonably promptly and as close as possible to the source of the grievance; and
- d) have managers and supervisors seek to prevent and resolve personal grievances.

5.3 Where a personal grievance arises, NERAM will endeavour, if appropriate, to resolve the dispute in line with the following procedure:

6. Summary of NERAM’s personal grievance procedure

<p>Preliminary steps</p>	<p>Attempt to resolve the grievance yourself</p> <p>If the employee feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved in the grievance. The employee may discover that the other person was not aware of their grievance and the matter may be able to be resolved directly.</p> <p>Report the grievance to management</p> <p>If the employee does not feel comfortable talking to the person(s) involved, or they have attempted to and it was ineffective in resolving the grievance, or if there is no other person involved in the grievance, the employee should report the grievance to a NERAM Contact Person in writing. The Contact Persons include:</p> <ul style="list-style-type: none"> • Museum Director (1st) • Board Chair or Delegate (2nd - after Museum Director) <p>After reporting a personal grievance, the Contact Person will use reasonable endeavours to conduct an initial meeting with the employee within 10 working days to:</p> <ul style="list-style-type: none"> • obtain information about the employee’s personal grievance and what they consider will resolve it; • explain how the personal grievance procedure works; • decide if they are the appropriate person to handle the grievance. This includes considering whether they have the necessary authority and can deal with the grievance in an impartial manner. If the Museum Director feels they cannot effectively handle the employee’s personal grievance they will refer the matter to another more appropriate supervisor. <p>Where it is not practical to conduct such a meeting, the Museum Director may carry out these steps by telephone or written correspondence.</p> <p>Once the employee has reported the matter to a Contact Person, that person may commence one of the procedures outlined below that is regarded as suitable for dealing with the grievance.</p>
<p>Step 1</p>	<p>Informal procedure</p> <p>The informal procedure involves a range of informal actions to resolve the grievance. Such actions will depend on the individual circumstances of the grievance. Possible actions include, but are not</p>

	<p>limited to:</p> <ul style="list-style-type: none"> • the Museum Director discussing the issue with the person against whom the complaint is made; and/or • the Museum Director facilitating a meeting between the parties in an attempt to resolve the issue and move forward. <p>Many personal grievances are able to be resolved through the informal procedure. However, in circumstances where the Museum Director considers the informal procedure is not appropriate, and the grievance is sufficiently serious, the grievance may be escalated to the formal procedure.</p>
Step 2	<p>Formal procedure – Investigation</p> <ul style="list-style-type: none"> • If the grievance is not able to be resolved through the informal procedure or the informal procedure is not appropriate, the formal procedure may be commenced. • The formal procedure involves a formal investigation of the grievance and a decision about appropriate actions and outcomes. • The investigation generally involves collecting information about the grievance and then making a finding based on the available information. Once a finding is made, the Museum Director or an external investigator will make recommendations about the grievance.
Other Actions	<p>Referral to external mediator</p> <ul style="list-style-type: none"> • Where all parties to the grievance (including NERAM) agree that mediation may be appropriate in resolving the grievance, the grievance may be referred to an external mediator.

7. Other procedural issues

Work to Continue

- 7.1 Work will continue as normal while a personal grievance is being dealt with under this Policy. All persons affected by the grievance are expected to co-operate with NERAM to ensure the efficient and fair resolution of the grievance.

Victimisation

- 7.2 Disciplinary action will be taken against any person who victimises or retaliates against a person who has lodged or is involved in a personal grievance issue under this Policy. Such action may include termination of employment.

Confidentiality

- 7.3 The Contact Person(s) will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other employees or workplace participants in order to determine what happened so as to afford fairness to those against whom the complaint has been made, and to resolve the grievance.
- 7.4 All employees and workplace participants involved in the grievance must also maintain confidentiality, including the employee who lodges the complaint. The complainant may discuss the grievance with a designated support person or representative (who is not an employee employed or engaged by NERAM). However, the support person or representative must also maintain confidentiality.

- 7.5 If a person breaches confidentiality they may be subject to disciplinary action. Such action may include termination of employment.

Documentation

- 7.6 Where considered appropriate by [NERAM], agreed resolutions of personal grievances arising from the informal procedure may be recorded and signed by all parties. Generally, it will not be necessary to put records of a personal grievance on an employee's personnel file, unless there is some disciplinary action taken as a result of the grievance. A record of any disciplinary action that is taken arising from a formal investigation will be placed on the personnel file of any person who is disciplined.

Access to support and representation

- 7.7 The employee can seek advice from their manager, supervisor or a support person at any stage during the grievance process. The employee can bring a support person to a grievance meeting if so desired.

Possible Outcomes

- 7.8 [NERAM] will in its sole discretion determine whether any outcomes (disciplinary or otherwise) are appropriate. The outcomes will depend on the nature of the grievance and the procedure followed to address the grievance.
- 7.9 Where an investigation results in a finding that a person has engaged conduct in breach of a NERAM Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the grievance and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal as per staff contracts. Any disciplinary action is a confidential matter between the affected person(s) and NERAM and may include (in order of severity):
- (a) Warnings;
 - (b) Performance management;
 - (c) Suspension without pay;
 - (d) Dismissal or termination of contract.
- 7.10 NERAM may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:
- (a) training to assist in addressing the problems underpinning the grievance;
 - (b) monitoring to ensure that there are no further problems;
 - (c) implementing a new policy;
 - (d) requiring an apology or an undertaking that certain behaviour stop; and/or
 - (e) changing work arrangements.

Variations

This policy is to be reviewed every 12 months and NERAM reserves the right to vary, replace or terminate this policy from time to time.