



GRIEVANCE POLICY

Version Control

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A Grievance Officer is to be appointed at the first sitting of the new executive after an AGM. The Grievance Officer is not to be the President. In the absence of the Grievance Officer or if the Grievance Officer is named as a party in the grievance, the role is to be assumed by the President or another executive member elected by majority of the executive.

In matters that may relate to bullying, harassment or discrimination, the Grievance Officer and/or executive is to refer to the following definitions:

Definitions of Bullying, Harassment and Discrimination:

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).

Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders.

Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.

What bullying is not

- single episodes of social rejection or dislike
- single episode acts of nastiness or spite
- random acts of aggression or intimidation



- mutual arguments, disagreements or fights.

Sexual Harassment

Sexual harassment will take place if a person, in circumstances where a reasonable person having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed:

- subjects another person to an unsolicited act of physical contact of a sexual nature
- makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person
- makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence
- makes any unwelcome gesture, action or comment of a sexual nature, or
- engages in conduct of a sexual nature in relation to another person that is offensive to that person

Discrimination occurs when:

- a person is treated unfavourably because of a 'personal attribute' protected by law
- the treatment happens in an 'area of public life' protected by the law
- the treatment causes the person to be disadvantaged, and
- an exception does not apply

Discrimination can be:

- direct - when someone directly treats, or proposes to treat, another person less favourably than others because the person has one or more protected attributes
- indirect - when a person or business imposes, or proposes to impose, a condition or requirement that has, or is likely to have, the effect of disadvantaging another person because they have one or more protected attributes. The condition or requirement must not be reasonable in the circumstances

This policy refers to everyone in the organization regardless of position or status.

For definitions of 'protected by the law' attributes or areas of public life, refer to Tasmanian anti-discrimination law:- https://equalopportunity.tas.gov.au/discrimination/unlawful_discrimination



Policy elements

Grievance definition

We define grievance as any complaint, problem or concern of a member regarding their workplace or co-worker relationships. 'Workplace', for the purposes of this policy, is any activity undertaken by the STBA, its affiliates or supported groups or entities or any activity to which a member or members are seconded and may include correspondence or social media posts which relate directly to the workplace or co-workers. Co-workers, for the purposes of this policy are all members or volunteers with whom a member has contact in the workplace.

Members can file grievances for any of the following reasons:

- Workplace harassment
- Health and safety
- Executive member or co-worker behaviour
- Adverse changes in workplace conditions

This list is not exhaustive. However, members should try to resolve less important issues informally before they resort to a formal grievance.

Members who file grievances can:

- Reach out to the grievance officer
- File a grievance letter explaining the situation in detail
- Refuse to attend formal meetings on their own
- Appeal on any formal decision

Members who face allegation have the right to:

- Receive a copy of the allegations against them
- Respond to the allegations
- Appeal on any formal decision

The STBA is obliged to:

- Have a formal grievance procedure in place
- Communicate the procedure
- Investigate all grievances promptly
- Treat all members who file grievances equally
- Preserve confidentiality at any stage of the process
- Resolve all grievances when possible



- Respect a 'no retaliation policy' when members file grievances with The Association or external agencies.

Procedures

Members are encouraged to talk to each other to resolve their problems. When this isn't possible, members should know how to file a grievance:

1. Communicate informally with the Grievance Officer. The Grievance Officer will try to resolve the problem. When members want to complain about their Grievance Officer, they should first try to discuss the matter and resolve it between them. In that case, they're advised to request an informal meeting. The Grievance Officer should try to resolve any grievance as quickly as possible. When they're unable to do so, the Grievance Officer should refer the Grievance to the secretary for the attention of the executive.
2. If the grievance relates to an executive member's behaviour that can bring disciplinary action (e.g. sexual harassment or violence), members should refer directly to the secretary for the attention of the executive.
3. If the grievance relates to 2 or more executive members, the grievance is deemed to be between the member and The Association, in which case rule 34.1 of the STBA Constitution applies (arbitration)

The Grievance Officer should follow the procedure below:

1. Ask the member to file a written grievance
2. Talk with the member to ensure the matter is understood completely
3. Provide the member who faces allegations with a copy of the grievance
4. Organize mediation procedures (e.g. arranging a formal meeting)
5. Investigate the matter or ask the help of an investigator when needed
6. Keep affected members informed throughout the process

If the Grievance Officer is unable to remedy the dispute, the grievance is to be referred via the secretary to the full executive who will, by majority vote, reach a decision on resolving the grievance. The Executive should follow the procedure below:

1. Communicate the formal decision to each of the members involved
2. Take actions to ensure the formal decision is adhered to
3. Deal with appeals by gathering more information and investigating further
4. Keep accurate records

This procedure may vary according to the nature of a grievance. For example, if a member is found guilty of racial discrimination, they may begin disciplinary procedures.



Appeal Procedure:

An appeal by either party against the decision of the executive is to be heard by the executive in the first instance and decided by majority vote. The matter may be referred to external arbitration if, after hearing the appeal, the grievance is not resolved.

Expulsion of member:

As a last resort, provision exists in the STBA constitution to expel a member or members from The Association under section 32 which action is also subject to appeal under section 33. For the purposes of this policy, it should be understood that expulsion will only occur after a grievance when all other procedures aforementioned have been undertaken. This does not detract from the executive's authority to expel a member for reasons other than a written grievance received.