

# Centenary’s Grievance Policy and Procedure

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## **1. Purpose**

Centenary Institute of Cancer Medicine and Cell Biology (**Centenary**) grievance process is based on the principles of natural justice and aims to resolve problems that arise as close to the sources as possible with opportunities for discussion and higher levels of authority as necessary.

This Policy and procedure is to be used in conjunction with the *Workplace Bullying Policy, Anti-Discrimination, Harassment, Sexual Harassment, Performance and Misconduct, Responsible Conduct of Research Policy, Whistleblowers Policy and Procedures* .

Centenary is committed to maintaining a workplace that encourages cooperation, collaboration and trust amongst its workers.

## **2. Scope**

All Centenary employees, students and Workers must be aware of and act in accordance with this Policy.

If the matter involves a worker who is not directly employed by Centenary ie consultants, or other persons seconded to work at Centenary, the person will also be referred to their employer ie University of Sydney, UTS, Local Health District etc to ensure that the process also complies with their employer organisation's policies and procedures.

If the matter involves a student the person would also be referred to their enrolling university.

If the matter involves both Centenary and non Centenary workers, Centenary will work together with the other organisations to manage the grievance process.

Centenary may at its sole discretion, on a case by case basis, alter the manner in which the process outlined in this document is conducted to ensure it suits the particular complaint or grievance.

## **3. Policy**

A grievance is any type of problem, concern or complaint related to a person's work or the work environment. A grievance can be about any act, behaviour, omission, situation or decision impacting on a person, which they believe is unfair or unjustified.

As such, Centenary will provide a grievance process which offers :

- impartial, prompt and professional management of the grievance
- Appropriate confidentiality and protection from discrimination/ victimisation
- Appropriate internal and external support, information and assistance throughout the process

Centenary encourages where possible, that an individual resolves a challenge/conflict directly with the person/s concerned before a formal grievance is lodged. This may settle the issue in the earliest manner possible, whilst helping to develop an organisational climate which facilitates productive teamwork.

Everyone needs to know their rights and responsibilities in relation to grievance management, as all parties have a significant role to play in resolving grievances.

### **3.1 Key rights of all employees include:**

- Being provided with sufficiently detailed information to allow an appropriate response.
- Being treated with respect.
- Being given a full and fair opportunity to have their say, and the right of reply.
- Being provided with information on progress of the grievance and on any decisions made that may affect them.
- Appropriate confidentiality and protection from recrimination.
- Impartial, prompt and professional management of the grievance.

### **3.2 Key responsibilities of all employees include:**

- Recognising their role in harmonious workplace relations.
- Raising matters of concern at an early stage and actively participating in the grievance resolution process.
- Not raising malicious, vexatious or frivolous complaints.
- Not releasing information relating to a grievance to any third party who has no legitimate involvement in the process.

### **3.3 Key responsibilities of all managers include:**

- promoting and maintaining an environment which encourages communication between all Centenary Workers.
- identifying, preventing and remedying problems in the workplace.
- intervening at the earliest stage of a grievance.

- attempting to successfully resolve the issues in a timely, professional and unbiased manner.
- maintaining productivity where possible throughout the grievance handling process.
- seeking assistance from the Head of People and Culture in a timely manner, where appropriate .
- ensuring that all grievances are:
  - treated seriously
  - approached without any pre-judging
  - handled discreetly and in a confidential manner.

In responding to a grievance, direct managers will take steps which include to:

1. Ensure the individual remains safe at work at all times.
2. Advise the individual of the processes to be expected.
3. Offer Employee Assistance Program (EAP) support.
4. Advise the individual who will be their point of contact during the process and resolution of the grievance .

### **3.4 Key responsibilities of People and Culture**

People and Culture are responsible for:

- providing advice to staff, Supervisors and managers.
- evaluating the experience level of the Supervisor and providing appropriate advice and coaching.
- investigating, in conjunction with the Supervisor, any allegations of unacceptable behaviour.
- ensuring that appropriate action is taken based on the evidence gathered.
- using the counselling and disciplinary process to address the problem, and where possible, bringing about a change in behaviour.
- liaising with Supervisors to ensure adequate records are kept.

In every case, Centenary will determine the actual procedure to be adopted at its discretion and in consideration of the circumstances as a whole.

Where a matter is assessed as a grievance, it should not be managed by the disciplinary process. However, where investigation of what initially appears to be a workplace grievance uncovers matters of a more serious nature, then grievance management should immediately cease and the matter should be referred to a more relevant management process. For example the disciplinary process, performance management, WH&S Investigation.

If an employee raises a grievance about the way a discipline or performance management issue is being managed, then the issue should be considered, however, the performance management or disciplinary process should continue independently.

## **4. What are the Procedures ?**

### **4.1 Informal grievance**

If the individual ( Complainant) feels comfortable in doing so, they should attempt to address the concern in good faith directly with the person(s) involved in the grievance. The individual may discover that the other person was not aware of their grievance and the matter may be able to be resolved directly.

It is important to make all efforts to resolve the concern with the other person in a respectful, constructive and reasonable way.

It is expected that the parties involved agree on a reasonable way of resolving the concern, that this will be the end of the matter.

If the individual 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, they should report the grievance to their Supervisor. In some cases it may not be appropriate for the Supervisor to be involved, then the grievance should be reported to the Supervisor's manager.

Most grievances can be settled informally in the workplace through confidential informal discussions.

The Supervisor undertakes an investigation of the incident(s),with advice and guidance from the Head of People and Culture to try and settle the grievance in a timely manner.

However, in circumstances where the Supervisor considers the informal procedure is not appropriate, and the grievance is sufficiently serious, the grievance may be escalated to the formal procedure.

Regardless of the action taken, a confidential record of any incident will be kept in accordance with the *Records Policy* and *Workers Privacy Policy*. This will include relevant details of what happened, dates, times and places, and witnesses.

## 4.2 Formal Grievance

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.

If a complaint falls into the areas listed below, a process other than the grievance procedure may be followed depending on the circumstances.

Ask the People and Culture team if the subject of the grievance falls into any of the following categories:

- Incidents of violence, or of a potentially criminal nature
- Serious bullying, harassment or discrimination
- Serious WH&S concerns
- Allegations of serious misconduct, fraud, or corruption
- Performance management or disciplinary matters

There are three stages to the formal grievance management process:

1. Notification
2. Clarification and Investigation
3. Resolution

### 4.2.1 Notification

If an individual decides to progress to a formal process they are asked to complete a formal grievance form ( using the Grievance form available on Cipher)

The person with the grievance ( complainant) should notify their manager in writing that a grievance has been lodged. If the grievance is about their manager

The grievance form will be sent to People and Culture who will share the form with the person's direct manager unless the grievance is about the manager in which the form will be escalated to the next level of management.

People and Culture will send an acknowledgement email to the complainant and advise that a meeting or discussion will take place to discuss the grievance in further detail.

The direct supervisor will be assigned as the person managing the grievance unless there is a conflict of interest.

## 4.2.2 Clarification and Investigation

The person managing the grievance will meet and interview the person with the grievance and confirm how they would like the grievance to be resolved, confirm any witnesses or other supporting information. This discussion must be documented.

The person managing the grievance should discuss the matter with a member of the People and Culture team to help determine if there is a reasonable basis for the grievance and to help determine the most appropriate option for resolution.

If the person managing the grievance believes that there is no reasonable basis for the complaint they must advise the complainant and also of their right to appeal and escalate the matter to the next level of management.

A formal invite to attend a fact finding ( investigation) meeting is to be sent to the person who is the subject of the grievance (**The Respondent**).

If the person who is the subject of the grievance is not a direct report of the manager, their manager will need to be informed and involved in the process.

Any witness to the grievance will also be invited to attend a fact finding meeting

Formal investigations should only be undertaken with the guidance of People and Culture .

## 4.2.3 Resolution

The fact finding process generally involves collecting information about the grievance and then making a finding based on the available information.

The person managing the grievance should

- choose the best strategy to resolve the grievance .
- Consult with people and Culture regarding the suggested outcome
- Meet with all parties involved, aside from the witnesses to communicate the outcome and provide them with a grievance outcome letter

If the person who has raised the grievance is unsatisfied with the process or the outcome was unreasonable they must provide a reason in writing . The person is also entitled to lodge their grievance with an external body if they are unsatisfied with the process or the resolution of the grievance

## **5. Procedural issues**

### **5.1 Work to continue**

Work will continue as normal where possible while a grievance is being dealt with under this P&P. All persons affected by the grievance are expected to cooperate with Centenary to ensure the efficient and fair resolution of the grievance.

### **5.2 Support Person**

The Complainant, the Respondent and any Witnesses to the matter/situation must be given the opportunity to be represented by another person during every stage of the formal grievance process.

The Support Person may be another Centenary worker or a friend, but not a legal representative.

The role of the Support Person is to provide:

- support for the Complainant or Respondent or Witness giving evidence
- observe the quality of process and adherence to guidelines.

Their role is not to:

- resolve or investigate claims
- obstruct the process or interview.

### **5.3 Victimisation**

Disciplinary action will be taken against any person who victimises or retaliates against a person who has lodged or is involved in a grievance issue under this Policy.

### **5.4 Confidentiality**

Information relating to a grievance should only be provided on a “need to know” basis and should not be provided to third parties who have no legitimate involvement in the process.

All parties involved in the grievance must also maintain confidentiality.

Those involved in a grievance have both the “right” to confidentiality and the “responsibility” for maintaining confidentiality, This includes confidentiality of the identity of those involved, as well as the subject matter.

As most workplace grievances usually involve a complaint by one person against another the subject of the grievance will generally need to know who raised the complaint, in order to be able to adequately respond to the matters raised.

Inappropriate release of information relating to a grievance or a person involved with a



grievance, to a third party with no legitimate involvement in the process, will be dealt with as misconduct in accordance with the [Performance and Misconduct Policy](#).

### **5.5 Documentation**

A record of any letters, file notes, formal investigation process, disciplinary outcome etc will be placed on the individual's personnel file. If the matter is dealt with informally, the person managing the grievance should keep a diary note of the matter and action taken, however this document is not for the person's personnel file.

## **6. Grievance Management, Performance Management and the Disciplinary Process**

Grievance management should not be confused with performance management or the disciplinary process.

Where a matter is assessed as a grievance it should not be managed by the disciplinary process. However, where investigation of what initially appears to be a workplace grievance uncovers matters of a more serious nature then grievance management should immediately cease and the matter should be referred to a more relevant management process. For example the disciplinary process, performance management, WHS Investigation etc

If an employee raises a grievance about the way a discipline or performance management issue is being managed, then the issue should be considered, however the performance management or disciplinary process should continue independently.

## **7. Strategies to resolve a Grievance**

A range of options exist to assist managers and staff to resolve grievances promptly and effectively.

Because of the diversity of issues and personalities that can be involved, it is important that each grievance is considered individually, in order to determine the best option/s to utilise and the most appropriate way/s to resolve it.

**Self Resolution:** Many minor workplace issues may benefit from encouraging those involved to attempt to resolve the matter themselves. All staff have a responsibility to contribute to a harmonious workplace and it should not always be necessary to begin the grievance process to resolve minor matters.

**Review Work Practices:** Sometimes making minor variations to work practices can provide a solution to certain types of workplace grievances.

**Provision of Information and Training:** On occasions, workplace grievances can arise from being unaware of certain workplace policies and procedures and/or matters relating to cultural issues or because of poor communication skills. Where the

investigation of a grievance identifies such, the focus should be on the provision of appropriate instruction, information and training to address these issues. This can be organised through internal or external resources.

**Facilitation:** Facilitation is a process whereby a manager attempts to facilitate a resolution between staff members without the use of more formalised procedures.

**Mediation:** Mediation is a voluntary and confidential process where an appropriately skilled mediator assists people in conflict to identify and isolate issues under dispute and to identify and if possible, agree on potential options to resolve these issues. Mediators are a neutral party, who do not make judgments. During mediation, the mediator aims to assist parties to find their own solution and may in some instances, offer suggestions for resolution. Both parties to a grievance need to agree to mediation. If agreement is not reached on all issues in dispute, parties are assisted to air their grievances in a constructive manner and to reach an understanding of each other's position.

**Independent Review:** There may be certain circumstances where there is a need to consider using an external expert to investigate a grievance, or facilitate or mediate a solution. Independent review may be appropriate where:

- It is difficult to identify an internal person who is able to be impartial.
- Where very senior staff are involved.
- Where the situation may come under external scrutiny.

## 8. Outcomes from the Procedure

Centenary 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.

Where an investigation results in a finding that a person has engaged conduct in breach of a Centenary 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. Any disciplinary action is a confidential matter between the affected person(s) and Centenary. This action is taken in conjunction with the Performance and Misconduct Policy.

Centenary may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:

- Complainant gaining a better understanding of the situation and no further action taken
- One or both parties agreeing to participate in some form of counselling or training
- training to assist in addressing the problems underpinning the grievance
- monitoring to ensure that there are no further problems

- implementing a new policy
- requiring an apology or an undertaking that certain behaviour stop
- changing work arrangements.

## **9. Where Can I get Help**

- Confidential Employee Assistance Program (1300 663 155)  
Employees may use the confidential EAP services to seek professional counselling on any work related or non-work related matter. This support is operated by a third party and is available 24 hours a day 7 days a week
- People and Culture
- External advice can be sought from Fair Work Ombudsman: [www.fwa.gov.au](http://www.fwa.gov.au) or

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## 10. Definitions

**Centenary Employee** means a Centenary employee ( full time, part time or casual)

**Centenary Worker** consultant, contractor, student, affiliate, visiting researcher, Governor, Trustee or volunteer.

**Individual raising the grievance:** Also known as the **Complainant**.

**Subject of the Grievance:** Employee who has had a complaint made against them by the employee/worker raising the grievance. Also known as the **Respondent**.

**Person Managing the Grievance:** This can include the complainant and or respondents direct manager, another manager, People and Culture etc.

**Serious Misconduct:** Examples of this may include but are not limited to:

- o Deliberate behaviour by an employee that is inconsistent with the conditions of their employment;
- o Conduct that causes serious and imminent risk to the health and safety of a person; the reputation, viability or profitability of the organisation;
- o Not following or obeying lawful instructions and directions;
- o Theft/ fraud;
- o Acts of aggression, assault (including sexual assault), violence or fighting;
- o Sexual harassment;
- o Wilful or malicious damage or destruction of property;
- o Being under the influence of alcohol/prohibited substances or other substances which affect their ability to provide services while on duty;
- o Breaches of Northcott's Code of Conduct and Ethics;

**Supervisor** means the supervisor of the employee as specified on their contract of appointment

**Support Person:** An individual of the person's choice who provides support to that person during any meetings attended as part of the grievance management process, but does not advocate on their behalf. The support person should not have any direct involvement in the grievance. Examples include friends, family members, union reps etc.

**Frivolous Complaint:** A frivolous complaint can be defined as one that is trivial, characterised by a lack of seriousness or sense.

**Malicious Complaint:** A malicious complaint can be defined as one instituted with the primary intent of causing distress to another, usually the subject of the grievance.

**Vexatious Complaint:** A vexatious complaint can be defined as one instituted without sufficient grounds and serving only to cause annoyance.

**Mediation:** The process whereby an appropriately skilled, neutral person acts as a 'mediator' to parties to bring about a resolution of a disagreement.

A **Witness** means any person who is involved, has witnessed or has knowledge of the situation in support of, or in defence of a complaint or grievance.

## 11. Related policies and documents

### 11.1 Centenary resources:

- [Performance and Misconduct Policy](#)
- [Whistleblower Policy](#)
- Discrimination, Harrassment, Sexual Harassment P&P
- [Workplace Health and Safety Policy](#)
- [Workplace Bullying Policy](#)
- [Workers Privacy Policy](#)
- [Records Policy](#)
- [IT Usage Policy](#)
- [Grievance Form](#)
- Employment or Appointment Contract
- [Fair Work Best Practice Guide: Effective dispute resolution](#)

### 11.2 Relevant Federal regulatory bodies and legislation:

- [The Australian Fair Work Commission](#)
- [The Australian Human Rights Commission](#)
- [Fair Work Ombudsman](#)
- [Privacy Act 1988 \(Cth\)](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Workplace Gender Equity Act 2012](#)
- [The Australian Human Rights Commission Act 1986](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [Disability Discrimination Act 1992](#)
- [Age Discrimination Act 2004](#)

### 11.3 Relevant NSW regulatory body and legislation:

- [The Anti-discrimination Board of New South Wales](#)
- [Anti-Discrimination Act 1977 \(NSW\)](#)
- [Work Health and Safety Act 2011 \(NSW\)](#)
- [Industrial Relations Act 1996 \(NSW\)](#)

**Grievance Policy**

<b>Version</b>	<b>Approval Date</b>	<b>Amendment</b>	<b>Update by</b>	<b>Review date</b>
1	20060530	New policy	Judith Barry	2011
2	20100302	Revisions	Judith Barry	2015
3	20120517	Amendments	Anna Slowiacek	2017
4	20211124	Reformatted to Centenary policy template, updated to include Fair Work Guidelines, name change	Lois Cavanagh	2026
5		Amendment to include changes to FW legislation and update to process required to manage grievance process, update to include detailed process of grievance management process . Updated to procedure	Alison Kent	2026