

## **GRIEVANCE AND DISPUTE RESOLUTION POLICY & PROCEDURE**

### **1. Purpose**

The objectives of this policy are to

- specify the principles governing Hotelstaff responses to Grievance and Dispute Resolution in the workplace

### **2. Scope**

This policy and procedure is applicable to all employees, contractors and subcontractors of Hotelstaff Pty Ltd, HS Personnel Australia Pty Ltd and all subsidiaries ('Hotelstaff').

It is expected that the Executive endorse and support this policy in the execution of their responsibilities.

This policy applies during all hours of work at Hotelstaff Pty Ltd as well as outside of working hours when dealing with colleagues and clients of the organisation including social engagements.

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version.

### **3. Definitions**

**Grievance** a concern about a work related issue which may include an act, behaviour, decision, situation, omission or problem that the person perceives to be unfair or unjustified; or dissatisfaction about a work situation or a matter which adversely affects their work or work environment.

**Frivolous complaint** a complaint that is lacking in any substance or merit

**Vexatious Complaint** is a complaint with no merit, which is specifically being pursued to harass, annoy or cause financial cost to the employee or another person

### **4. Policy Statement**

Hotelstaff supports the right of every employee, contractor or subcontractor to raise and lodge a grievance with the organisation if they believe the actions, behaviours or decisions of another affects their working relationship with the organisation.

Hotelstaff recognises that from time to time issues or instances may arise when intervention by a third party may be required.

All employees, contractors and subcontractors may lodge a grievance and seek to have the matter resolved as per the grievance and disputes procedures when the matter cannot be dealt with in the normal discourse of their role.

In the case of an employee who is covered by an award or industrial agreement that outlines a specific grievance and dispute resolution procedure this shall apply. Where there is no coverage or the agreement is silent then the following procedures will be followed.

### **5. Procedures**

All grievances should be actioned promptly, discreetly and in an objective manner. All parties are expected to engage with an open approach to considering reasonable options.

An employee, contractor or subcontractor should firstly discuss their grievance with their direct manager.

Where the grievance cannot be resolved then the Managing Director should be advised and a resolution by bringing all parties together should be attempted within 48 hours.

Where the grievance cannot be resolved, or if the grievance is against or involving a direct report manager, then the grievance may be raised directly with the Managing Director.

Third party advice may be sought by either party at this stage and representation in any discussions may also be accommodated.

If a resolution can still not be achieved then the grievance is to be referred to the Executive Director for consideration and final decision on behalf of the organisation.

All procedures must be followed in accordance with, and consideration of, the EEO/ Anti-Discrimination and Privacy legislation.

It is essential that the conduct of all organisation representatives involved in the discussions and negotiations with an employee, contractor or subcontractor are both amicable and harmonious. All organisational representatives should attempt to gather all necessary facts, be attentive, objective and operate within the standards outlined in the Fairwork Act 2009.

Grievance resolution will be handled in accordance with the following principles:

- All parties to a complaint will be treated fairly, and in a manner that respects their right to an unbiased, timely and transparent process.
- All complaints are considered on their merits, on the basis of information relevant to the complaint and any mitigating circumstances.
- Where the complaint concerns the actions of another individual or individuals, respondents have the right to be informed of the allegations and the opportunity to respond.
- All parties have the opportunity to respond before a decision is made, including the right to respond to statements or material that is to be relied upon in reaching a determination.

Anyone raising a grievance will not be disadvantaged simply by virtue of having raised a grievance unless the complaint is found to be vexatious or frivolous. Hotelstaff reserves the right to take appropriate disciplinary action in the event of a complaint that is found to be vexatious or frivolous.

The right to withdraw a grievance at any stage of the process is allowed. However, Hotelstaff retains the right to continue to address matters, even in cases where a grievance has been withdrawn.

In a case where private interest, whether pecuniary or otherwise, or personal interests directly or indirectly conflict with or may influence conduct or decisions then this interest should be declared immediately.

Where members of an immediate family or household are involved in influencing the outcome of a grievance or dispute then they should delegate their responsibilities to another member of the organisation.

Where a grievance or dispute may result in communication with an external organisation then the Managing Director will oversee the communication.

Information arising from the complaint will only be used for the purpose of resolving the complaint and in accordance with this policy. All file notes and records relating to the grievance or dispute should be dated and signed and kept in a secure file.

## **6. Guidelines**

Nil

## **7. Related Documents and Further Information**

### **7.1. Legislation**

Charter of Human Rights and Responsibilities Act 2006  
Fair Work Act 2009 (cth)  
Equal Opportunity Act 2010

Privacy Act 1988

## 7.2. Documents

Bullying Policy  
Employee Code of Conduct  
Sexual Harassment Policy

## 7.3. Links

Nil

## 8. Revision History

Effective	Version	Amendment
01/07/2014	1.0	Initial
07/05/2018	1.1	- Reformatted
28/05/2019	1.2	- Review – No Change, Reformatted
01/06/2021	2.0	- version disclaimer added, definitions added for clarity, resolution principles added for clarity

## 9. Document Information

Effective	Version	Authorised
01/06/2021	2.0	SZPRINC, Nathan
Location	<a href="https://hotelstaf.sharepoint.com/sites/Hotelstaff-Shared/Shared Documents/Human Resources/Policies and Procedures/HOTELSTAFF Policy - Grievance and Dispute Resolution.docx">https://hotelstaf.sharepoint.com/sites/Hotelstaff-Shared/Shared Documents/Human Resources/Policies and Procedures/HOTELSTAFF Policy - Grievance and Dispute Resolution.docx</a>	