

Sydney Opera House Policy

Title:	Work Related Grievances Policy		
Policy Number:	SOH132		
Effective Date:	27 October 2011	Next Review:	October 2013
Authorisation:	Chief Executive		
Authorisation Date:	12 October 2011		
Superseded Policy:	HR07		
Accountable Director:	Chief Operating Officer		
Responsible Officer:	Head of People & Culture		

1 PURPOSE

- 1.1 This policy provides information and procedures for staff for dealing with work related grievances at Sydney Opera House.
- 1.2 This policy is designed to:
 - establish a fair, effective and confidential resolution process for work related grievances;
 - outline Sydney Opera House's commitment to maintaining a harmonious, supportive and productive working environment for all staff; and
 - encourage discussion and cooperation between staff for work related concerns in order to ensure a timely and effective resolution for all parties.

2 SCOPE

- 2.1 This policy applies to all Sydney Opera House staff, including contractors and agency staff and applies to grievances arising from any work-related issue.
- 2.2 This policy does not apply to concerns or complaints that deal with issues of corruption (including fraud), maladministration or serious and substantial waste of government resources. Such matters are to be dealt with according to the conditions and procedures set out in the *Protected Disclosures Reporting Policy and Protected Disclosures Reporting Procedures*.
- 2.3 Staff should be aware that policy and procedures relating to instances of bullying and harassment are outlined in a separate *Bullying and Harassment Policy*. In the event a staff member is concerned that they or someone else has been subject to bullying or harassment, they should refer to the *Bullying and Harassment Policy*.
- 2.4 This policy aligns with the principles and provisions of the Sydney Opera House *Enterprise Agreement* and NSW Government guidelines.

3 POLICY

- 3.1 Sydney Opera House is committed to dealing with and resolving work related grievances in a fair and impartial manner. All grievances will be dealt with in accordance with the principles of procedural fairness and in a timely manner to ensure resolution as promptly as possible for all parties.
- 3.2 All work related grievances will be reported and handled in accordance with the procedures outlined in **Appendix 1**.

- 3.3 Sydney Opera House is committed to ensuring the protection of any staff member who makes a valid complaint or is the subject of a grievance from victimisation or harassment. Victimisation of any person involved in a concern or grievance is unacceptable and constitutes a breach of the *Code of Conduct*.
- 3.4 Sydney Opera House does not support vexatious or frivolous complaints. A complaint may be found vexatious where it is:
- false;
 - motivated by malice; or
 - made with an intention to cause distress to others.

Complaints made in good faith are not vexatious complaints, even if it is not substantiated.

- 3.5 Where an investigation into a grievance is required, a suitable person may be appointed by the Head of People & Culture to investigate the grievance. Under these circumstances, the independent person will:
- be an employee of Sydney Opera House at an appropriate level, **or** an authorised person from an external authority;
 - not be party to the grievance; and
 - be unbiased toward all parties involved.

Any objection to the appointment of an independent person based on these criteria must be made directly to the Head of People & Culture.

- 3.6 Confidentiality will be maintained at all times throughout the grievance resolution process, within the constraints of formal investigation of the matter. Only parties involved in, associated with, or investigating grievance will have access to information.
- 3.7 All records pertaining to work related grievances will kept securely and maintain the confidentiality of all parties involved.

4 DEFINITIONS

4.1 Procedural Fairness (*also Natural Justice*)

As defined by the NSW Ombudsman, natural justice involves decision makers informing people of a case against them, providing them with a right to be heard, not having a personal interest in the outcome, and acting only on the basis of sound reasoning and relevant evidence.

4.2 Work Related Grievance

A grievance is a concern or complaint made by an individual staff member or group of staff about a workplace issue. It may be about any act, omission, situation or decision that is considered unfair, discriminatory or unjustified. Grievances may relate to:

- a workplace communication or interpersonal conflict;
- an occupational health and safety issue;
- an allegation of discrimination or harassment (within the meaning of the *Anti-Discrimination Act 1977*); or
- the interpretation, application or operation of Sydney Opera House policies, practices and agreements.

5 ACCOUNTABILITIES

- 5.1 All staff have a responsibility for actively contributing to a harmonious, supportive and productive working environment. Staff members with a work related grievance are

encouraged to take prompt action and follow the procedures and guidelines outlined in this policy (see Appendix 1).

5.2 The CEO and Executive are responsible for:

- promoting a harmonious, supportive and productive workplace where staff are free from all forms of harassment, bullying and violence;
- taking a leadership role in demonstrating commitment to the grievance resolution process; and
- facilitating the effective resolution of all work place grievances as outlined in this policy.

5.3 Managers and Supervisors are responsible for:

- providing staff with information on procedures for resolving work related concerns and grievances and encouraging their use;
- providing timely and confidential advice and assistance to staff members;
- actively assisting the resolution of concerns and grievances at the local level where possible;
- ensuring parties are not subject to victimisation or harassment;
- following up and monitoring when a grievance has been resolved; and
- keeping accurate and confidential records.

6.1 The Head of People & Culture is responsible for the implementation, review and monitoring of the grievance resolution system and this policy.

6 REFERENCES

Sydney Opera House *Code of Conduct*.

Sydney Opera House *Enterprise Agreement 2009*.

NSW Anti-Discrimination Act, 1977.

Office of the Director of Equal Opportunity in Public Employment Office (ODEOPE), *Dealing with Employee Work-Related Concerns and Grievances, Policy and Guidelines 1996*.

Office of the Director of Equal Opportunity in Public Employment Office (ODEOPE), *Harassment Free Workplace Policy and Guidelines 1996*.

7 APPENDICES

Appendix 1 – Reporting and handling a work related grievance.

APPROVED



Chief Executive

Date: 12 October 2011

REPORTING AND HANDLING A WORK RELATED GRIEVANCE

Only if you feel comfortable doing so, you always have the option of speaking with the person involved in the matter of concern.

Where you reach a resolution with the other person, you should ensure that you keep a written note of the substance of your discussion, and the agreement made with the other person.

If you are not comfortable confronting the person involved in the matter directly, you should then discuss the matter with your direct supervisor and/or manager. If it is not appropriate to raise the matter with either your immediate supervisor or manager, or the matter cannot be resolved, report the matter as outlined below.

Reporting a grievance

In the event the matter cannot be handled as outlined above, staff should report the matter (either verbally or in writing) to the Head of People & Culture.

Investigation

After a grievance is received, Sydney Opera House will determine at its discretion whether an investigation is required, or if the matter can be resolved without the need to conduct an investigation. If a grievance is unable to be resolved without having conducted an investigation, the matter will be investigated.

- The methodology used in the investigation will vary depending on the circumstances and will be at the discretion of Sydney Opera House.
- Sydney Opera House will either appoint an internal person, or engage an external consultant as it sees fit, to investigate the complaint.
- The Investigator will conduct confidential inquiries with due care, respect and discretion at all times.
- Investigations will be conducted efficiently as possible. Specific timeframes for the completion of investigations will depend on the nature of the complaint and persons involved.
- The findings and recommendations of the investigation will be documented and referred to the appropriate authority for decision on investigation findings. It will remain at the discretion of Sydney Opera House as to whether the details of the investigation are provided to either the complainant or the subject of the complaint. At the very least, both the complainant and the subject of the complaint will be informed of the outcome of the investigation.

Advice and support persons

Staff may seek advice and assistance from their Human Resources Consultant at any time throughout the investigation process.

If a staff member or contractor feels that it is necessary to have a support person at any interview, meeting or discussion with an investigator or any other person involved in the investigation process, then they may request to have such a person present. This person cannot be related to the matter and cannot be a legal representative.

It will remain at the total discretion of the Sydney Opera House however as to whether a support person may be present at any stage in the process.

Referral to external authority

Where appropriate Sydney Opera House may refer a grievance to a mutually acceptable independent third party for mediation or resolution. Authorised bodies include the NSW Industrial Relations Commission or the NSW Anti-Discrimination Board.

Counselling

If you require any personal assistance in the nature of counselling you should feel free to contact Sydney Opera House’s Employee Assistance Program Provider as outlined below. This applies to both a complainant and a subject of a complaint.

PPC Worldwide

Web portal

To login: www.ppconline.info/au
 Username: SOH (all upper case)
 Password: SOHEAP (all upper case)

Telephone

Toll free number: 1300 361 008

Version Control

Version	Date	Author	Approval	Details/Comments
1.0	Nov 09	Human Resources		Draft
1.1	May 2011	Human Resources		Revision 1
1.2	Oct 2011	Human Resources	Chief Executive	Revision 2