

Policy 4. Rowing WA – Grievance Procedure

Adpoted at Board meeting 15/6/11

BACKGROUND

This procedure explains what to do if you have a grievance about anything to do with Rowing and your membership of Rowing WA. A grievance means any type of problem, concern or complaint about your involvement or the environment you are involved in. For example, you could have a grievance about.

- Development and training availability;
- How an issue has been handled;
- The club environment;
- Safety in the workplace;
- The treatment by an official or an officer
- Discrimination; or
- Harassment.

RWA recognizes you can't do a good job or be fully productive, if you feel other members or officers or anyone else at the organization is treating you unfairly, discriminating against you or harassing you.

RELATED POLICIES AND PROCEDURES

Another policy that may be read in conjunction with the Grievance Procedure is the Member Safety and Wellbeing Policy. The RWA Regulations also provides guidance on the judiciary and disciplinary procedures.

KEY PRINCIPALS

Confidential – only the people directly involved in the grievance or sorting it out, can have access to information. See the section headed “Record Keeping” for more information about where and how records will be kept.

Impartial (fair) – all sides get a chance to tell their side of the story. No-one makes any assumptions or takes any action until all relevant information has been collected and considered. All sides have access to support or representation if they want or need it.

Free of unfair repercussions or victimization – management and officers takes all necessary steps to make sure people involved in a grievance are not victimized for coming forward with a grievance or helping sort it out. If anyone victimizes anyone else for making a grievance, they may be disciplined. However, if you use this grievance procedure to make up a grievance against someone that is not true, you too can be disciplined.

Sorted out at the local level, if possible – we aim to sort out all grievances at the local level, if possible, with the minimum of fuss. In many cases, grievances can be sorted out by agreement between the people involved with no need for further action to be taken.

Sensitively – the people who help sort out grievances have been specially trained to treat all grievances seriously and sensitively.

Timely – we aim to deal with all grievances as quickly as possible. There are time limits for difference stages. We aim to sort out grievances within four weeks if at all possible. Most grievances can be sorted out even faster than that.

WHAT TO DO IF YOU HAVE A GRIEVANCE

STEP 1A:

Try to sort it out yourself with the person or people involved, if you can.

Sometimes people didn't mean to do what they did, and the matter can be sorted out by a simple explanation or apology. You should approach the person or people involved as soon as possible, if you can.

STEP 1B:

If you aren't sure how to handle the problem yourself, speak to a club or organization Official.

Officers do not investigate or sort out grievances. However, they can go with you to see someone who can sort it out for you.

STEP 2:

If you can't sort the matter out yourself you can approach an RWA Grievance Handler.

The grievance handler will, wherever practical within three working days:

- Get the full information from you about your grievance and what will sort it out as far as you are concerned;
- Decide whether the allegation is serious enough that, if proven, it would be a breach of discipline or other related policy (such as member safety and wellbeing). If they decide this they must refer the matter for a disciplinary inquiry in accordance with the RWA regulations or local/State constitution.
- Explain how the rest of the grievance procedure works, (including what will be done to protect you from victimization). They will also refer you to people who can provide you with advice or support if you need these.
- Decide if they are the appropriate person to continue handling the grievance. They may be too junior in the hierarchy, too biased or seen to be too biased, to handle the grievance. If they can't handle it, they will refer you to another appropriate grievance handler. That person will talk to you and then continue with the process as described below.

STEP 3:

The grievance handler will get the other side of the story.

Wherever practical, within three working days of interviewing you, the grievance handler will put the information they've received from you to the power/people you are complaining about to get their side of the story.

If the two sides of the story contradict one another, the grievance handler may contact you and/or the other party for further information. The grievance handler may also ask one or both parties for the names of witnesses who can provide further information.

It is not a breach of confidentiality for the grievance handler to speak to witnesses. The grievance handler won't speak to any more witnesses than they need to and they won't tell the witnesses any more than necessary to get the information they need from them.

You must not contact the witness or witnesses. The grievance handler will do this.

STEP 4:

The grievance handler will decide how the grievance should be resolved (sorted out) and let everyone involved know.

Where the grievance involves an allegation of a less serious nature *and* the main facts *are not* in dispute, they will offer to "mediate" it. This means they will help you and the other person/people come to a joint agreement about how the grievance should be resolved. If the person making the complaint does not want mediation, the grievance handler will discuss other processes (eg letter of apology, counseling etc) with you.

The grievance handler will keep a confidential record of the agreement reached and the matter will go no further, unless one party complains that the agreement has been breached.

Where the grievance involves an allegation of a less serious nature *and* the main facts *are* in dispute, the grievance handler will:

- Tell you and the other person involved about what might have happened had the grievance been proven one way or the other;

- Warn you and the other person/people involved about the consequences of either party victimizing the other for making a complaint;

- Tell you and the other person/people involved about your right to appeal;

- The grievance handler will keep a confidential record of the action taken. No further investigatory action will be taken by the grievance handler.

Where the grievance involves an allegation of a more serious nature, that is not a breach of discipline or a child protection issue (see Member Safety and Wellbeing Policy), the grievance handler will work out, whether, "on the balance of probabilities" (that is, whether it is more likely than not) the unjustified treatment, discrimination or harassment:

- Did happen (that is, the grievance is substantiated); or
- Didn't happen (that is, the grievance is vexatious); or
- Is not able to be substantiated one way or another because of lack of evidence (not substantiated).

If the grievance handler decides it did happen, they will take (or recommend, to the CEO) appropriate remedial action.

If the grievance handler decides you made up the grievance, they will take (or recommend to the CEO) appropriate remedial action.

If the grievance handler cannot work out whether the allegation did or did not happen because of lack of evidence, they may refer the matter to a more senior officer or for further investigation and to make a final determination. If they do this, they will tell all parties involved.

KINDS OF REMEDIAL ACTION AVAILABLE

Examples of remedial action are:

- Take necessary action to rectify the issue.
- Counseling the person who harassed, discriminated against or treated you unfairly. The aims of counseling are to make the members more aware of the inappropriate behavior, what is expected and what the consequences are likely to be if the behavior occurs again;
- Taking action under the Member Safety and Wellbeing Policy or Judicial Guidelines;
- Requesting the person who harassed, discriminated against or treated you unfairly to apologise to you;
- Denying the person who harassed, discriminated against or treated you unfairly certain opportunities for a special period of time;
- Considering the appropriateness of sending the person on a training course or rotating them in another position to improve their skills.

In making the decision about the type of remedial action to take/recommend the grievance handler will consider:-

- The seriousness of the breach and what our policies say about this type of breach;
- Whether the person/people involved knew what they were doing and intended to do it;
- Whether remedial action has been taken in relation to this type of breach before; and
- Whether there are any particular circumstances that mean that remedial action should not be taken at all, or not so seriously.

If remedial action is recommended by a grievance handler who is not the direct line officer of person against whom the remedial action is recommended, they will contact the direct line officer to discuss the remedial action. If there is no agreement between the grievance handler and the direct line officer/supervisor about the recommended remedial action, the National CEO will make a final decision.

RECORD KEEPING

The grievance handler will keep written notes of:

- Their interviews with all parties to a grievance; and
- What action they took to resolve the grievance using the record keeping forms

These notes will be kept in a designated secure place in the grievance handler's office while the grievance handler is sorting the matter out.

Once the matter has been finalized, the grievance handler will send all records to the RWA Grievance Officer who will keep all records of grievances in a locked filing cabinet in her or his office. Particular details of the grievance will be entered into a secure database (password protected), so systemic problems can be identified and trends reported on.

APPEALS

If you do not think the grievance procedure was followed, or if you do not think the outcome of the grievance is fair, you can appeal.

Appeals should be made to a person higher up in the hierarchy than the person you originally complained to (for example, if the original grievance handler was your club officer, you should appeal to the next highest level).

The person who handles the appeal will generally "rehear" the grievance, by going through the same steps as the person who handled the original grievance. However, they may decide to interview more witnesses if they think that will help.

They may confirm the decision or overturn it and make a different decision.

WHO CAN HANDLE GRIEVANCES?

Grievance Handlers are appointed on a National Level by the CEO. Other Grievance Handlers may be appointed from time to time by States and Clubs.

For support

Both the person making the grievance and the person/people against whom the grievance has been made are entitled to support from a Grievance Officer or other support person. A support person may be a friend from within the organization etc or relative. A grievance officer is someone who has been trained in the support of people who have made a complaint and in the collection of information and investigation of that complaint.

The support person does not say anything in grievance meetings. They are simply there to provide moral/emotional support for the person involved. The support person is also bound by confidentiality. This will be explained to them by the grievance handler.

For legal advice

At any time during a grievance you are involved in you can get legal advice from a legal representative. However, you may not bring a legal representative to the meeting, as this escalates the grievance, and makes it more difficult to resolve.

FURTHER INFORMATION

Ends.