

# **Construction Industry Training Centre Inc**

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## **GRIEVANCE POLICY**

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## Introduction

The Grievance Policy and Guidelines has been developed to assist all staff, trainers, contractors and subcontractors and students who wish to make a complaint about the provision of services, procedures, staff - including managers, administration staff, trainers, contractors and subcontractors and the facilities of the CITC Inc.

The CITC operates under the Australian Quality Training Framework (AQTF) Essential Conditions and Standards for Continuing Registration and Commonwealth, State/Territory legislation and regulatory requirements, as recognition of its legal obligations as an educational institution to provide a high level of Vocational Education Training in a fair, efficient and effective manner. See CITC 10.12 for details.

Opportunities are provided for all staff, trainers, contractors, subcontractors and students to provide the CITC with feedback, suggestions or to discuss any issues either through course learner questionnaires, department meetings or by speaking directly by phone or in person with any of the CITC staff, who will refer the issue to management if appropriate.

At times, a staff member, trainer, contractor, subcontractor or student may not be satisfied with the service provided at the CITC. This policy addresses the steps to take to resolve any issue raised either informally (verbal) or formally (written).

## Policy

The CITC is committed to implementing an effective grievance procedure that, where possible is managed quickly, at a local level and with a minimum number of people involved. The resolution process will focus on a rapid re-establishment of good working relations and positive outcomes. The CITC Grievance Policy aims to avoid blame and undue investigation.

## Scope

This policy applies to all staff, trainers, contractors, subcontractors, employers, agents and students be they current, prospective or exit.

This policy applies to all grievances but where relevant, the CITC may refer to additional legislation such as Equal Opportunity to clarify matters and to ensure fairness in its deliberations.

Students may need to seek advice from the Office of the Training Advocate about their rights and responsibilities. The CITC may also approach the Office of the Training Advocate on the student's behalf. Students are encouraged to contact this office on **1800 006 488**

## Principles

- All staff, trainers, contractors, subcontractors, employers, agents and students are to be made aware of the Grievance Policy with a copy posted on the CITC website for easy accessibility. A printed version will be made available on request
- The focus for resolution will be on the issue/s rather than the individuals
- Confidentiality will be maintained at all times to ensure that:
  - ◆ all parties involved are protected under the principles of natural justice
  - ◆ the possibility of a defamation suit is prevented
  - ◆ Privacy Act Regulations 2001 are complied with
  - ◆ where possible, a minimum number of people are involved
  - ◆ natural justice principles will be used to ensure procedural fairness
  - ◆ staff, trainers, contractors, subcontractors, employers, agents and students are able to express a grievance through various means other than making a complaint. These can be in the form of discussions, evaluation forms, meetings, forums, etc. The procedures are clearly defined in *CITC 5.8 Student Grievance Procedure* and *CITC5.9 Student Appeals Procedure* (available on the CITC website) and *CITC2.21 Staff Grievance Procedure*
- Referral to the CEO or the General Manager on behalf of the CEO to assist the effective and rapid resolution of any grievance will apply where appropriate.
- Impartial mediation will be provided by the CITC through the Office of the Training Advocate or the Employee Ombudsman if required.
- All parties are subject to the Privacy Act Regulations 2001 with a right to total confidentiality.
- All parties will be subject to all relevant legislation and regulations which the CITC operates under
- Where a formal complaint has been made, action will be commenced within 5 days of CITC receiving it to ensure rapid yet effective resolution where possible within 30 days.
- A grievance is owned by the complainant who has the right to withdraw the complaint at any stage without prejudice and to choose or alter the process. For example to change the process from informal to formal.
- If the grievance has to do with situations that fall under relevant legislations such as the Equal Opportunity 1984 or Anti Discrimination Act 1977, it will be managed by the CITC under the relevant guidelines.
- If criminal or civil action is commenced, all CITC grievance resolution processes will cease until the outcome of those proceedings is known.

## **Victimisation**

The CITC is committed to ensuring that all staff, trainers, contractors, subcontractors, employers, agents and students do not experience any victimisation as a result of making either an informal or formal complaint. All parties can expect confidentiality and fairness without prejudice.

To ensure this process the CITC will manage all complaints without deviation:

- ◆ with absolute fairness and in accordance with the principles of natural justice
- ◆ under the relevant legislation and regulatory requirements

## **Defamation**

Defamation may be defined as the publication or making of false statements about another which will damage that person's reputation. The defamatory statement must be untrue and intended to be taken seriously. Its effect must be damaging to the reputation of the plaintiff.

A defamatory statement may be in one of two forms – libel or slander

Libel is a defamatory statement in written words, pictures or other visual form, or broadcast over radio or television with an element of permanence about it.

Slander is a defamatory statement in spoken words or other non permanent form.

All parties to a grievance resolution process should ensure that they limit their discussion to details of the complaint only.

Legitimate and valid evidence must be provided prior to any action being taken by the CITC

## **Natural Justice**

The duty to act fairly includes two rules

- ◆ Fair hearing
- ◆ No bias

This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person.

In addition, a decision maker must have no personal interest in the matter, must be unbiased and be seen to be unbiased.

## **Roles and Responsibilities**

### **Students**

Students who are involved in an incident that leads to a formal or informal complaint must refrain from behaving in an offensive or insulting manner that may hinder the process, intimidate the other parties or otherwise harass the proceedings.

This means that students must:

- ◆ Be aware of the Grievance Policy
- ◆ Respect the rights of other students
- ◆ Respect the rights of all staff members, trainers, contractors and subcontractors.
- ◆ Respect the rights of the general public on the CITC's property and training venues
- ◆ Respect the privacy of all parties who are involved in the dispute.

### **Staff, Trainers, Contractors, Subcontractors**

All staff, trainers, contractors and subcontractors who are involved in an incident that leads to a formal or informal complaint must refrain from behaving in an offensive or insulting manner that may hinder the process, intimidate the other parties or otherwise harass the proceedings.

This means that all staff, trainers, contractors and subcontractors must:

- ◆ Be familiar with the legislative and regulatory requirements the CITC operates under
- ◆ Be familiar with all CITC policies and guidelines
- ◆ Respect the rights of students
- ◆ Respect the rights of other staff members, trainers, contractors and subcontractors.
- ◆ Respect the rights of the general public on the CITC's property and training venues
- ◆ Ensure confidentiality and privacy of all parties involved in the dispute
- ◆ Ensure there is no victimisation of complainants, witnesses or anyone involved in the complaint resolution process
- ◆ Follow the principles of natural justice.

The CEO or General Manager on behalf of the CEO should, in addition to the above:

- ◆ Ensure that staff, trainers, contractors and subcontractors are provided with information about and access to the Grievance Policy
- ◆ Remain impartial
- ◆ Treat all complaints seriously and investigate them promptly and sensitively as outlined
- ◆ Ensure that there is no victimisation of complainants or witnesses
- ◆ Ensure that feedback mechanisms are available to all parties involved
- ◆ Ensure that all formal (written) complaints are addressed by the CEO or the General Manager on behalf of the CEO
- ◆ Ensure that any investigation will be conducted as specified in this policy with reference to the applicable legislation and regulations.