

Grievance Policy (and Procedure)

The Food Co-Operative Shop Ltd (“The Food Co-op”)

This Policy is a Board (Management Collective (MC)) approved policy of The Food Co-op.

This Policy was approved by the MC on the

This policy will be reviewed by the MC on the

Policy

The MC and the Co – Managers of the Food Co-op considers workplace grievance to be a most serious matter and is committed to dealing with such issues in a fair, transparent and confidential manner. This policy and associated procedure is designed to guide fair and equitable resolution of all grievances raised by workers of The Food Co-op.

Scope

This Policy guides the MC, Co-Managers employees and Active Members of The Food Co-op in dealing with workplace grievances.

Definitions

Active Member – means a member who is either employed by the Food Co-op or who has contributed work (as a Coordinator, as a shift worker, or other means recognised as work by a General Meeting or MC Meeting) towards the Food Co-op.

Grievance - means any type of problem, concern, dispute or complaint relating to work or the work environment which cannot be resolved through normal day to day communication.

Grievance Officer – A member of the MC nominated to manage grievance and complaints

Serious Misconduct - wilful or deliberate behaviour that is inconsistent with the continuation of the contract of employment; and conduct that causes serious and imminent risk to the health or safety of a person; or the reputation, viability or profitability of the business.

The following conduct is also deemed serious misconduct:

- (a) the worker in the course of the work engages in theft, fraud or assault;
- (b) the worker is intoxicated at work;
- (c) the worker refusing to carry out a lawful and reasonable instruction that is consistent with the worker’s role.

Paid Worker - means a person or member paid in wages by the Food Co-op.

Worker – Either a paid worker or Active Member.

Procedure

All disputes relating to the General Retail Award 2010 or the Hospitality Award 2010 shall be dealt with under the provisions of the Awards.

All other workplace grievances will be dealt with in the following manner:

- Speak to the person(s) causing the problem

If the worker feels comfortable to speak to the person(s) about whom the grievance is in relation to, then they should do so, this may be the easiest way to resolve the issue. The person(s) may not be aware of the effect of their behaviour and a discussion may address this. If the worker does not feel comfortable to speak to the person(s):

- Speak to one of the Co – Managers (or if the grievance relates to a Co- Manager speak with the Grievance Officer.)
- The Co- Manager or Grievance Officer will explain the grievance management process and options to the worker.
- The person managing the grievance and the worker will decide if the matter will be resolved informally or formally within 2 days of receiving the grievance.
- If the allegations are of serious misconduct, discrimination or sexual harassment the Co – Manager or Grievance Officer will initiate formal investigations of the grievance.
- Any criminal activity will be reported to the police.

Informal Grievance Resolution

An informal resolution may occur through mediation, or conciliation facilitated by the Co- Manager or Grievance Officer. Or via advice to the person with the grievance in how to manage a work situation.

If the grievance is not able to be resolved informally within 10 days- or at least have a plan in place for resolution it will move to a formal process.

The Co – Manager or Grievance Officer will review the informal resolution outcomes with the person with the grievance in one month.

Formal Grievance Resolution

A formal investigation of a grievance will be led by the Grievance Officer or Co – Manager. The person reporting the grievance will be required to provide details of the grievance.

Co – Manager or Grievance Officer will:

- Obtain details of the grievance
 - A description of the incident(s), decision or behaviour in question
 - The time and date of the incidents(s)
 - The names of any witnesses

- o The date the grievance was reported
- o Ask the person raising the concern to sign the report.

The appointed investigator will then decide who needs to be interviewed. Any person interviewed is entitled to have a support person present at the interview. This will occur within 5 days of receiving the grievance.

It may require additional witnesses or the person about whom the complaint is made to provide information.

Attempts will be made to resolve grievances between parties involved where appropriate (eg arising from miscommunication or differences of perception).

Any documentation created during the course of the investigation will remain confidential.

External mediation or assistance will be sought where a resolution cannot be made within one month for example Fair work Ombudsman 131394. Conflict Resolution Service (Canberra)
<http://www.crs.org.au/>

Outcomes

If the grievance is substantiated and the grievance concerns the behaviour of a worker action will be taken to manage the performance.

If the grievance is substantiated and the grievance concerns the MC of the Co-op, the decision will be reviewed by the MC of the Co-op.

The Co-Managers or MC will inform relevant parties of the outcome of the investigation as appropriate.

All grievances and outcomes will be reported to the MC Meeting

Frivolous or vexatious complaints

Any grievance raised that is fabricated, frivolous or vexatious appropriate disciplinary action will be taken which may include cessation of employment for paid employees and expulsion or suspension of membership as per the Rule of Operation.

Responsibilities

The MC and Co-Managers have a legal responsibility to prevent discrimination, sexual harassment vilification, workplace harassment and to provide a safe working environment for Co-op workers and ensure that any grievance that comes to the attention of The Food Co-op Management is handled in the most appropriate manner at the earliest opportunity.