



COMPLAINT POLICY

Preamble

Destiny Rescue aims to provide a workplace environment that is free of discrimination, harassment and bullying. However, we recognise that workplace relationships can be challenging and sometimes require management to intervene (and possibly, the Anti-Discrimination Commission or Fair Work Commission) to ensure issues are resolved.

This policy aims to provide a simple, fair, quick, confidential and transparent process to resolve disputes, complaints or complaints made within the Destiny Rescue organisation. The policy outlines the graduated steps that should be followed so that a positive outcome for all those involved can be achieved.

This policy may be changed from time to time in line with current best practice and statutory requirements, and to ensure that business needs are met. You will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute. This policy will be reviewed annually to ensure that it meets the requirements of legislation.

Scope

This policy applies to Destiny Rescue's project national employees and international volunteers. The term "employees/volunteers" includes but is not limited to;

- **Employees** - paid by Destiny Rescue on a part-time or full-time basis or subcontracted to Destiny Rescue.
- **Volunteers** - performing duties, tasks or projects (unpaid) on behalf of Destiny Rescue.

Definition

A complaint is any type of problem, concern or complaint related to the work environment. A complaint may be about any act, omission, situation, or decision (whether it is direct, indirect or systematic) that you think is unfair, discriminatory or unjustified. Under anti-discrimination law both the perpetrator and Destiny Rescue can be liable for discrimination, harassment and vilification in the workplace. Any reports of discrimination, victimisation or harassment will be treated seriously and

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investigated promptly, confidentially and impartially. Any person accused of discrimination, victimisation or harassment has the right to be treated fairly and justly, before, during, and after any investigation or resolution process.

Implementation

It is crucial that management and staff understand the Destiny Rescue Complaint Policy to ensure that it is adhered to. If the policy is not understood, there is a risk of miscommunication and non-compliance.

Annual workplace bullying training focuses on three main areas:

- Identifying workplace bullying
- Outcomes of workplace bullying
- Preventing workplace bullying

The training includes a detailed explanation of how staff and management should step through the resolution process. This training is compulsory for all Destiny Rescue staff. Information about the Destiny Rescue Complaint Policy will also be provided during the induction process for all new staff.

Principles of Complaint Handling

Destiny Rescue seeks to ensure that staff members are treated fairly and justly by providing a straightforward process to support those involved in a complaint. The general principles of this policy are that:

- Complaints should be treated seriously, expeditiously, sensitively and as close as possible to their source having due regard to procedural fairness, confidentiality and potential for victimisation.
- A complaint should be raised as early as possible after the incident has occurred.
- All parties should be encouraged to participate in the complaint resolution process in good faith.
- Complaints and information arising from the handling of any complaint must be treated confidentially.
- Dispute resolution procedures should not interfere with the continued operation of the business unless there are any reasonable concerns about health and safety.

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- The principles of natural justice and fairness will be observed throughout. This means that the alleged offender has the right to be informed about the nature and content of the complaint, has the right to be heard and has the right to an unbiased decision maker.
- All parties are protected from defamation and vilification as a result of the process.
- Complainants should not instigate complaints that are frivolous or malicious.

Procedure

INFORMAL STAGE - INTERNAL PROCEDURE

- If you believe you have been treated unfairly, been harassed or bullied, you may find it helpful to make a note of the incident that documents the date, the act, your response and the names of any witnesses.
- Try informally approaching the other person involved. Sometimes people just need a reminder about their behaviour, or to be told when they have stepped over the line and what you want them to do or not to do. However, this may not be appropriate in some cases (especially if there have been incidents that involve violence or threats of violence). Do not take this approach if you feel it will cause further stress and/or will make the issue worse.
- Report the incident to your direct Supervisor or if the incident concerns this person, report to the International HR Director.

FORMAL STAGE – INTERNAL PROCEDURE

- If you do not feel comfortable with approaching the other person or in doing so, the situation has not been resolved then a [Complaint Report Form](#) should be filled in and discussed with your Supervisor or the International HR Director to document the incident as a formal complaint.
 - Work Health and Safety legislation outlines the responsibility of employers to implement a management action plan that reasonably addresses the issue/s and reduces any health and safety risks to staff.
- In all cases when an allegation of harassment is made against an employee, they have the right under common law to the doctrine of natural justice (procedural fairness) to be fully informed of the complaint made against them and to be given the opportunity of replying to it, or presenting their side of the story.
- Both parties are encouraged to participate in an impartial mediation meeting

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to discuss the complaint and give the alleged perpetrator an opportunity to respond.

- The following represent possible outcomes if the complaint is substantiated or believed to have occurred:
 - An apology and undertaking that the behaviour will not occur again
 - Counselling
 - A final warning
 - Transfer the perpetrator to another work area
 - Demotion – removal from a supervisory role
 - Dismissal

If the Complaint is Not Substantiated (insufficient evidence)

- Training on relevant policies
- Monitoring ongoing behavior
- Mediation if agreeable to both parties

If the Complaint is Frivolous or False

- An apology and undertaking that the behaviour will not occur again
- Counselling
- A final warning
- Transfer the complainant to another work area
- Demotion – removal from a supervisory role
- Dismissal
- Access to counselling and/or rehabilitation may be provided for both parties

If at any stage of the internal process you are dissatisfied with the process or the outcome, you can make an application through the Fair Work Commission (FWC) for assistance (see Formal Stage below).

FORMAL STAGE – EXTERNAL PROCEDURE

Staff are able to contact external agencies to obtain assistance regarding a complaint. Examples of agencies include the following.

- In Australia the Anti-Discrimination Commission provides a dispute resolution service to help all parties resolve complaints under the *Anti-Discrimination Act 1991*. Complaints should be made within one year of the incident.
- The Fair Work Commission provides an avenue for staff to lodge an order to stop workplace bullying. The FWC may also settle a dispute via mediation,

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conciliation, or by making a recommendation according to the *Fair Work Act 2009* (Cth).

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I have read Destiny Rescue's Complaint Policy presented above. I agree to abide by the requirements of this policy.

Insert Date here	Type Volunteer Name Here	Volunteer Sign here
Date	Volunteer Name	Volunteer Signature

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