

# Grievance Resolution Policy

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## 1 HAVING A GRIEVANCE RESOLUTION POLICY IS IMPORTANT

### 1.1 Reason

Your psychological and physical safety at work matters and if you have a grievance it is important that you are know there is a process in place to support you in navigating the problem with the aim of a successful resolution. By following a grievance process we want to keep you safe and also meet our moral and legal obligations as an employer.

Many workplace grievances can be resolved by direct conversations between the individuals concerned and we encourage all GOgetters to try to do so, however acknowledge that in some cases, a more detailed process including investigation is necessary or appropriate.

### 1.2 Application

This policy has been developed to assist GOgetters understand the process and procedures that apply to formal and informal resolution of grievances at work.

This policy should be reviewed in context of our Discrimination, Bullying and Harassment Policy and our Diversity Policy, (DEIB) Diversity, Equity, Inclusion and Belonging Framework.

This policy outlines the key principles which apply to BINGO, all GOgetters and aspects of the employment relationship.

## 2 OUR GRIEVANCE RESOLUTION POLICY

BINGO is committed to maintaining and developing a harmonious, fair and productive working environment.

This policy aims to:

1. Outline the means for early grievance resolution through informal mechanisms wherever possible and in accordance with the policy principles;
2. Prevent personal conflicts from becoming entrenched;
3. Resolve grievances without unreasonable delay and wherever possible in a conciliatory and effective manner; and
4. Determine the matters in question when conciliation has not proved to be effective or possible.

Note: Grievance resolution is an integral part of a supervisor's duties. It is the primary responsibility of supervisors to identify, respond to and address problems in the workplace and to take all reasonable steps to ensure that victimisation of either a complainant or a respondent does not take place. So far as reasonably practicable, supervisors should recognise the early signs of disharmony in their teams and if possible, take early, sensitive and positive steps to prevent and resolve potential or actual grievances between GOgetters in their teams.

Nothing in this policy prevents or restricts the right of a GOgetter to refer their grievance to an external authority at any time.

## 3 OUR GRIEVANCE RESOLUTION POLICY PRINCIPLES

1. Less formal and early resolution of grievances is encouraged where possible.
2. GOgetters should be advised that they are entitled, if they so request, to a representative at all stages of the formal resolution procedures.
3. Confidentiality must be respected and maintained at all times by all parties within the constraints of the need to fully investigate a grievance, subject to any legal requirements for disclosure and consistent with the principles of natural justice.
4. Parties to a grievance should engage in the procedures for grievance resolution in good faith and focus on achieving resolution to the concerns raised.

5. The principles of procedural fairness (natural justice) will apply to all parties.

The term **procedural fairness** refers to the processes by which an outcome is reached and not the outcome itself. Regarding grievance resolution, procedural fairness requires that a respondent to a complaint must be provided with:

- the relevant details of the complaint to enable the respondent to formulate a response in the case of an investigation;
- information about the process by which the matter is to be resolved; and
- the opportunity to put their case and respond to the complaint during an investigation.

In addition:

- any decision-maker must act impartially and without bias;
  - all relevant submissions and evidence must be considered;
  - irrelevant matters must not be taken into account; and
  - the complaint must be dealt with in a timely manner.
6. Victimisation of either a complainant, respondent or any other person with a legitimate involvement in a grievance resolution process will not be tolerated by BINGO.
  7. BINGO will not tolerate frivolous or vexatious grievances, such grievances may be considered misconduct or serious misconduct. Any person who makes a complaint or raises a grievance dishonestly, mischievously or maliciously may be subject to disciplinary action. The raising of a false grievance, including as a response to reasonable performance management, will not be tolerated

#### 4 SCOPE

Where grievance resolution is required the grievance must be lodged as soon as possible after the date when the problem or concern arose, and usually no later than six months from the date of the most recent incident complained of.

Implementation of these procedures will not normally be a reason to suspend other administrative processes such as annual performance reviews or applications for promotion.

In exceptional circumstances, and with the agreement of the complainant, the supervisor responsible for attempting to resolve a grievance, in consultation with the Head of People & Culture, may put in place a set of conditions or an alternative process to resolve a grievance at any stage and without concluding these procedures.

If a complainant refers their grievance to an external authority (other than to seek advice), these procedures will cease immediately and will not be re-activated except in circumstances where the external authority makes a recommendation to conclude the grievance resolution procedures.

Where two or more complaints have common substance, this may be dealt with as a single grievance.

At all stages of these procedures GOgetters will continue to work in accordance with the directions of their nominated supervisor.

Information and advice can be sought at any time from a People & Culture representative.

#### 5 WHERE THE COMPLAINT IS SUBSTANTIATED

If BINGO finds a complaint is substantiated, or has otherwise identified a breach of BINGO policy in relation to the complaint, outcomes may include, among other things:

- An apology
- Counselling for either party
- GOgetters training - e.g. for the respondent and/or some or all GOgetters
- Disciplinary action - e.g. counselling, warning, withholding of promotion/pay increase, demotion, reassignment, dismissal (with or without notice)

## 6 NEED SUPPORT

GOgetters are welcome at any time to ask their manager or People and Culture representative for support in dealing with a complaint, concern or otherwise in relation to the matters covered by this policy or the Grievance Policy.

You can also access **SONDER**, BINGO's **Employee Support Program** at any time. **SONDER** is a professional, confidential counselling service provided by independent counsellors for employees and their immediate family members. This service is paid for by BINGO.

## 7 POLICY BREACHES

Policy breaches should be reviewed in conjunction with the People and Culture team.

Non-compliance with this Policy may result in disciplinary action. To the extent that this Policy imposes obligations on BINGO, it does not form a contractual term, condition or representation.

## 8 PUBLICATION OF THIS POLICY

This policy will be made available to all GOgetters and will be available on the Company's website.

## 9 KEY TERMS & DEFINITIONS

- 9.1 **Complainant(s)** - The GOgetter who has/have lodged a grievance.
- 9.2 **Grievance / Complaint** - A work-related complaint or concern. It may relate to a specific incident, situation or decision, or a course or pattern of conduct or behaviour.
- 9.3 **Respondent** - One or more persons who are the subject of the GOgetter's grievance.
- 9.4 **Representative** - Another GOgetter, a union representative and/or, at the choice of the GOgetter's involved, a nominated person provided that the representative is not a currently practicing solicitor or barrister
- 9.5 **Victimisation** - Unfavourable treatment of a person because of the person's involvement as a complainant or as a witness to a complaint/grievance. Unfavourable treatment could include exclusion, adverse changes to the work environment, harassment, discrimination, bullying or other forms of adverse consequence.

### 9.6 GOgetter

GOgetter is an inclusive term for BINGO employees. This captures both employees at common law and persons who are captured by the extended definition of 'employee' which is: 'If a person works under a contract that is wholly or principally for the labour of the person, the person is an employee of the other party to the contract'. GOgetters include -

- Permanent full-time and part-time employees
- Employees on a fixed term or fixed task contract
- Casual employees
- Temporary employees

### 9.7 Workplace

Any place where work is carried out for BINGO and includes any place where a GOgetter goes, or is likely to be, while at work. This may include offices, factories, shops, construction sites, vehicles or other mobile structures on land or water, as well as working from home.

### 9.8 Subsidiary and Associated Companies

- Bingo Pty Ltd
- Bingo (VIC) Pty Ltd
- Bingo Recycling Pty Ltd
- Bingo Bins Pty Ltd
- United Hire Group Pty Ltd
- Bingo Waste Services Pty
- Toro Waste Equipment
- Dial-A-Dump (EC) Pty Ltd
- Djurwa Pty Ltd

## APPENDIX 1 – GRIEVANCE RESOLUTION PROCEDURE

### 1 PROCESS FLOWCHART

The Grievance Resolution Process Flowchart (Appendix 2) summarises BINGO grievance resolution procedures and should be used in conjunction with this Grievance Policy and Procedure.

### 2 INFORMAL RESOLUTION

In the first instance, before seeking formal resolution, the complainant can attempt to seek resolution of the problem at the earliest time and with the respondent(s) directly wherever possible. This might take the form of a direct approach in person or if face to face contact is not possible or appropriate, in writing, carefully and clearly stating the nature of the concern and what a preferred outcome might be.

The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing workplace relationships.

Only where informal resolution is not possible or appropriate, should the process move to Step 1 - Conciliation.

### 3 STEP 1: CONCILIATION

Both the complainant and respondent are entitled to be represented by a representative at each step of the formal resolution procedures.

To seek formal resolution of a grievance at step 1, the complainant must provide their supervisor with a formal complaint, preferably in writing (see Appendix 3 Grievance Resolution Form) including the following:

- a. The nature of the complaint(s) along with any associated supporting documentation;
- b. The attempts made to resolve the grievance informally; and
- c. The preferred remedy to resolve the grievance.

Where the complainant's supervisor is the subject of the complaint, this information should be provided to the complainant's supervisor's manager or a People & Culture representative.

Once in receipt of a formal complaint, the supervisor will assess the complaint to ascertain whether it can be dealt with under this grievance resolution procedure, or whether the complaint can be dealt with through another more suitable process.

Where it is considered by a supervisor responsible for grievance resolution (in consultation with the People & Culture representative) that the alleged actions or behaviours which constitute the grievance may amount to misconduct or serious misconduct. Or, where a matter is one of a potentially criminal nature, this will be referred to the Head of People & Culture, who will determine whether the police or other relevant authority should be notified.

#### 3.1 Conciliation

If the grievance is to be dealt with under these procedures, the supervisor must initiate discussions with the complainant and respondent (independently or together) as soon as practicable with the view to:

- a. Determine whether a genuine grievance exists;
- b. Identify the key points of concern between the parties; and
- c. Determine an appropriate course of action to resolve the grievance/matter.

No investigation will be conducted at this stage - the supervisor will make preliminary enquiries and conciliate with the parties focussing on establishing a set of conditions to resolve the grievance.

The supervisor responsible for resolving the grievance will not provide a copy of the complaint to the respondent but can provide the relevant details of the complaint to assist the conciliation process.

### 3.2 Proposed Resolution

The supervisor will inform the parties of the proposed set of conditions to resolve the grievance, which will only be implemented with the agreement of the parties.

The supervisor responsible for resolution of the grievance must ensure that appropriate steps are taken to implement the agreement and to monitor the situation to ascertain both the effectiveness of this remedial action, and that victimisation of either the complainant or respondent does not take place

### 3.3 Documenting the Outcome

If agreement on a resolution is reached then this will be documented by the supervisor. A copy of the resolution reached confirming the agreed outcome will be provided to the complainant.

If agreement cannot be reached then the supervisor will record this on the Grievance Resolution Form. A copy of the Grievance Resolution Form will be provided to the complainant and they will be advised of their right to have the matter investigated at step 2.

Irrespective of whether an agreement has been reached, the respondent will be written to separately by the supervisor responsible for the grievance resolution confirming the outcome of the grievance at this step.

### 3.3 Timeframes

Supervisor: The supervisor responsible for attempting to resolve the grievance will, wherever possible, propose a set of conditions to resolve the grievance within four weeks of the lodgement of the grievance at step 1.

Complainant: If the complainant believes that the grievance has not been resolved at step 1, they may request that the matter be investigated at step 2 within 10 working days of the date of correspondence confirming the outcome of step 1.

## 4 STEP 2: INVESTIGATION

To seek formal resolution of a grievance at step 2, the complainant must:

- a. Provide a copy of the completed Grievance Resolution Form finalising step 1 of the grievance procedures, along with any associated documentation, to the supervisor of the person who attempted to resolve the grievance at step 1; and
- b. Clarify in writing the remaining concerns if the grievance has been resolved in part at step 1.

The supervisor responsible for resolving the grievance will not provide a copy of the Grievance Resolution Form to the respondent but will provide the relevant details of the complaint to enable the respondent to respond in accordance with the principles of procedural fairness.

### 4.1 Investigation

In consultation with a representative from the People & Culture team, the supervisor responsible for resolving the grievance can conduct or request an investigation.

The investigation will include a meeting with the complainant to clarify the details of the grievance and then with the respondent(s) (separately) in order to gather information as required to assist with the investigation and determination of the grievance. The person investigating the grievance can also meet with any other relevant person including the supervisor responsible for resolving the grievance at step 1.

Where a supervisor conducts an investigation, a representative from the People & Culture team should be present at investigation interviews to provide advice to the supervisor responsible for resolving the grievance and, where appropriate, provide information to the parties on the grievance resolution procedures.

### 4.2 Determination

At the conclusion of the investigation, the supervisor responsible for resolving the grievance will meet with the parties (separately) and advise them of the investigation findings and seek agreement from the complainant on the proposed set of conditions to resolve the grievance.

The supervisor responsible for resolution of the grievance will ensure that appropriate steps are taken to implement any agreement reached and to monitor the situation to ascertain both the effectiveness of this remedial action, and that victimisation of any party does not take place.

#### **4.3 Documenting the outcome**

If agreement on a resolution is reached then this will be recorded by the supervisor on the Grievance Resolution Form. A copy of the completed Grievance Resolution Form confirming the agreed outcome will be provided to the complainant.

If agreement cannot be reached then the supervisor will record this on the Grievance Resolution Form. A copy of the Grievance Resolution Form will be provided to the complainant and they will be advised of their right to have the matter reviewed at step 3.

The respondent will be written to separately by the supervisor responsible for the grievance resolution confirming the outcome of the grievance at this step.

#### **4.4 Timeframes**

Supervisor: Investigation and determination of the grievance at step 2 of the grievance resolution procedures will be completed without unreasonable delay and as soon as reasonably practicable.

Complainant: If the complainant wishes to progress the grievance to step 3 then they must do so within 10 working days of the date of correspondence confirming the outcome at step 2. In extenuating circumstances the complainant may make a written request to the Chief People & Safety Officer for an extension to this timeframe.

### **5 STEP 3 - REVIEW**

To seek formal resolution of a grievance at step 3, the complainant must:

- a. Provide a copy of the Grievance Resolution Form finalising steps 1 and 2 of the grievance procedures along with any associated documentation to the Head of People & Culture (or their nominee); and
- b. Clarify in writing the remaining concerns if the grievance has been resolved in part at step 1 and/or step 2.

#### **5.1 Review**

It will be open to the Head of People & Culture (or their nominee) to find that no substantive grievance exists and to direct the complainant accordingly and discontinue these procedures.

Where a substantive grievance exists, the Head of People & Culture (or their nominee) will review the proposed conditions to resolve the grievance and determination made at step 2 of the grievance procedure (and associated documentation) and attempt to resolve the grievance.

The Head of People & Culture (or their nominee) will conduct the review in accordance with the following:

- a. In undertaking a review of the grievance the Head of People & Culture (or their nominee) will not be bound by the rules of evidence but may be informed on any matter in such manner as they think appropriate and as the consideration of the matter before them permits.
- b. Provide the complainant with an opportunity to clarify any matter regarding the grievance.
- c. Provide the respondent with an opportunity to clarify any matter regarding the grievance.
- d. The Head of People & Culture (or their nominee) will consider any representations made by the complainant and respondent either orally or in writing or through a representative.
- e. Access and review all relevant records of evidence and submissions.

#### **5.2 Proposed resolution**

At the conclusion of the review, the Head of People & Culture (or their nominee) will seek agreement from the complainant on a proposed set of conditions to resolve the grievance.

The Head of People & Culture (or their nominee) will ensure that appropriate steps are taken to implement any agreement and to monitor the situation to ascertain both the effectiveness of this remedial action, and that victimisation of any party does not take place.

### 5.3 Documenting the outcome

If agreement on a resolution is reached then this will be recorded by the Head of People & Culture (or their nominee) on the Grievance Resolution Form. A copy of the completed Grievance Resolution Form confirming the agreed outcome will be provided to the complainant.

If agreement cannot be reached, the Head of People & Culture (or their nominee) will record this on the Grievance Resolution Form. A copy of the Grievance Resolution Form will be provided to the complainant and they will be advised of their right to have the proposed remedy finally determined at step 4.

The respondent will be written to separately by the Head of People & Culture confirming the outcome of the grievance at this step.

### 5.4 Timeframes

Head of People & Culture (or nominee): The Head of People & Culture (or their nominee) will review the grievance and propose a set of conditions to resolve the outstanding concerns without unreasonable delay and as soon as reasonably practicable.

Complainant: If the complainant wishes to progress the grievance to step 4 then they must do so within 10 working days of the date of correspondence confirming the outcome of the review at step 3.

## 6 STEP 4 – FINAL DETERMINATION

### 6.1 Final determination

If agreement cannot be reached at step 3, the complainant may request that the Head of People & Culture (or their nominee) provide a report to the relevant senior executive seeking a review of the proposed resolution of the grievance.

The complainant will receive a copy of the report and will be provided with a period of 10 working days in which to provide to the relevant senior executive for their consideration additional written representations giving reasons why the proposed resolution is unacceptable.

The relevant senior executive will either determine that the proposed resolution is appropriate and conclude the matter or make recommendations for alternative resolution of the grievance. This determination will be final and will conclude these procedures.

### 6.2 Documenting the outcome

The relevant senior executive will record the outcome on the Grievance Resolution Form and confirm their final determination. A copy of the completed Grievance Resolution Form confirming the agreed outcome will be provided to the complainant.

The respondent will be written to separately by the relevant senior executive confirming the outcome of the grievance at this step.

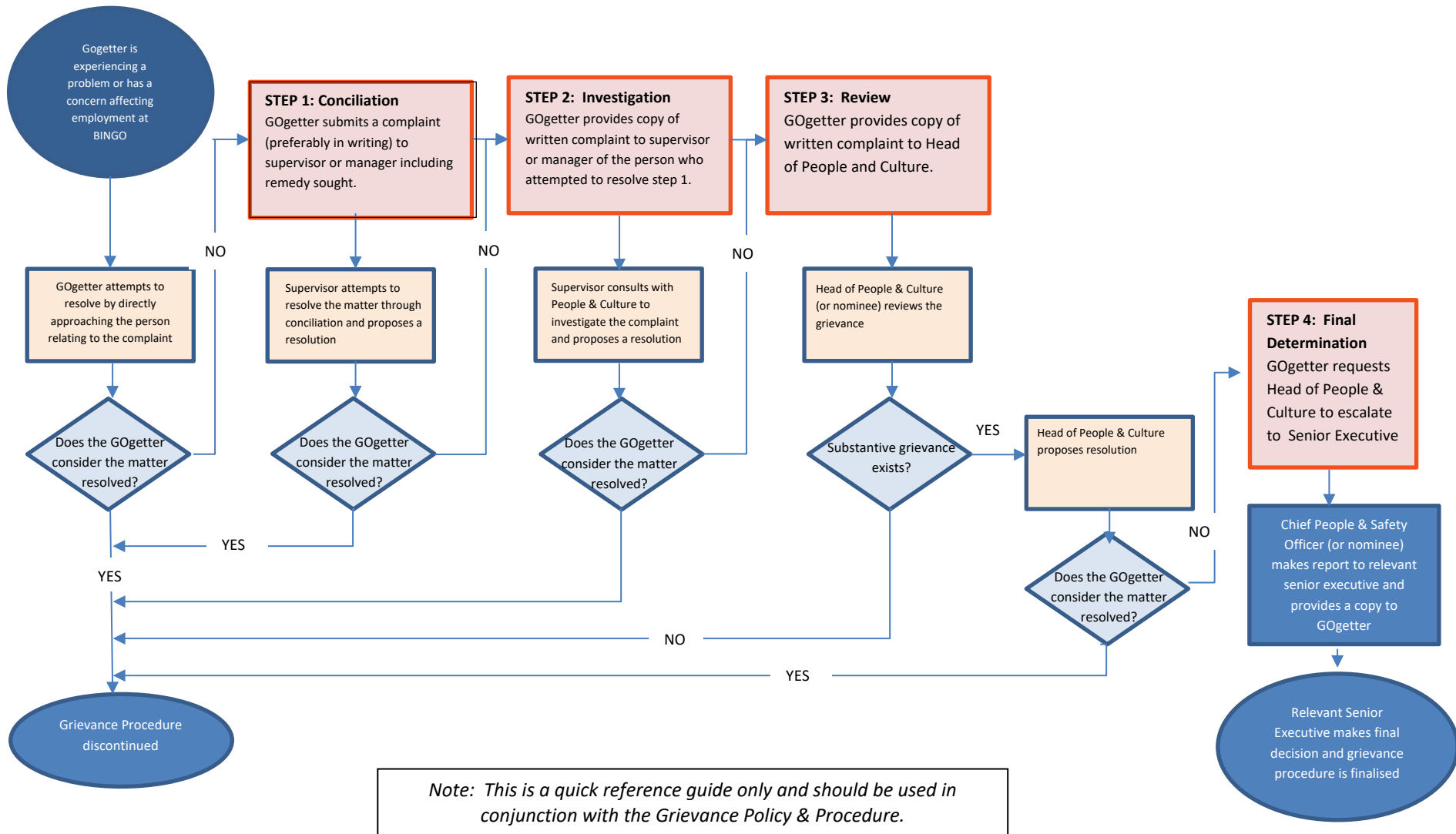
### 6.3 Timeframes

Relevant senior executive: The relevant senior executive will make their final determination without unreasonable delay and as soon as reasonably practicable.

## 7 RECORDS

Where a grievance is formally resolved at Steps 1, 2, 3 or 4, all material related to the grievance and its resolution will be held on a confidential staff file.

## APPENDIX 2: GRIEVANCE RESOLUTION PROCESS FLOWCHART



# Grievance Resolution Form

Before completing this form you should read the **Grievance Resolution Policy and Procedure**

Formal grievances must be made as soon as possible after the date when the problem or concern arose and no later than six months.

Please complete the form and submit to your Supervisor. In the circumstance where you Supervisor is the subject of the grievance, this form should be submitted to your Supervisor's Manager or a People & Culture representative.

**PART 1: GENERAL INFORMATION (GOgetter to complete)**

Date Grievance Resolution Form submitted to Supervisor:	
GOgetter (full name):	
Position:	
Workplace Location:	
Supervisor:	

**PART 2: DETAILS OF COMPLAINT (GOgetter to complete - attach further information to this form if required)**

Specify the date the problem or concern arose:	
Please provide details of the complaint you are seeking to resolve:	

**PART 3: INFORMAL RESOLUTION ATTEMPTS (GOgetter to complete)**

I have attempted to resolve the grievance informally. Details of informal resolution attempts:	

I have <b>not</b> attempted to resolve this grievance informally. Reasons for not attempting to resolve informally:	

**PART 4: REMEDY (GOgetter to complete - attach further information to this form if required)**

Please detail what you are seeking in order to resolve this grievance:	

**APPENDIX 3**

<b>PART 5: OUTCOME OF GRIEVANCE RESOLUTION</b>	
<b>Step 1: Conciliation</b> - Details of resolution proposed.	
Has the complainant agreed to the proposed resolution?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Step 2: Investigation</b> - Details of resolution proposed.	
Has the complainant agreed to the proposed resolution?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Step 3: Review by Head of People &amp; Culture (or other delegate)</b> - Details of resolution proposed.	
Has the complainant agreed to the proposed resolution?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Step 4: Final Determination by Senior Executive</b> - Details of resolution proposed.	
Has the complainant agreed to the proposed resolution?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>PART 6: PEOPLE &amp; CULTURE TEAM TO COMPLETE</b>	
Filed on confidential file by:	
Date filed:	

