

# Grievance Policy

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|--------------------------|----------------|-------------|----------------|
| Policy Number            | 064            | Version     | 1.0            |
| Approved by NTSA Council | September 2025 | Review Date | September 2028 |

## 1 Purpose

The purpose of this policy is to establish a fair, lawful, and transparent process for resolving grievances within the National Trust of South Australia (NTSA).

It aims to support a respectful, safe, and inclusive environment for employees, volunteers and members.

This policy ensures compliance with relevant legislation and regulatory standards.

## 2 Scope

This policy applies to all individuals engaged with NTSA in any capacity, including:

- 2.1 Employees (full-time, part-time, fixed-term, and casual)
- 2.2 Volunteers
- 2.3 Contractors and consultants
- 2.4 Members
- 2.5 Governing Council and Committee members

## 3 Legislative and Regulatory Framework

This policy is developed in accordance with the following legislation and standards:

- 3.1 **Fair Work Act 2009 (Cth)** – governing workplace relations and employee rights
- 3.2 **Work Health and Safety Act 2012 (SA)** – ensuring a safe and healthy workplace environment
- 3.3 **Equal Opportunity Act 1984 (SA)** – prohibiting discrimination and harassment
- 3.4 **Privacy Act 1988 (Cth)** and the **Australian Privacy Principles** – protecting personal information
- 3.5 **Australian Charities and Not-for-profits Commission Act 2012 (Cth)** – requiring ethical and responsible governance
- 3.6 **Volunteer Protection Act 2001 (SA)** – providing protections for volunteers acting in good faith
- 3.7 **National Trust of South Australia Rules (i.e. Constitution) and Code of Conduct** – internal governance and conduct expectations.

## 4 What Constitutes a Grievance?

A grievance is any type of concern, complaint or dispute related to an individual's involvement with NTSA.

It may include:

- 4.1 Bullying, harassment, or discrimination
- 4.2 Unsafe work or volunteer conditions
- 4.3 Unfair treatment or perceived inequity
- 4.4 Misconduct or policy breaches
- 4.5 Concerns about decisions affecting employment, membership or participation
- 4.6 Interpersonal conflict not resolved informally

## 5 Guiding Principles

### 5.1 Confidentiality:

- 5.1.1 All grievances will be treated in a confidential manner
- 5.1.2 A grievance investigation report is not distributed beyond the investigation team and relevant senior management
- 5.1.3 Conversations with HR or a manager about a complaint are conducted in private and not discussed with other staff or volunteers
- 5.1.4 Any notes or records related to the grievance are stored securely and in compliance with privacy and confidentiality laws.

### 5.2 Natural Justice:

- 5.2.1 The complainant, the respondent and any other involved parties will have an opportunity to be heard before a decision is made
- 5.2.2 The investigator must not have any personal or professional connection to the parties involved
- 5.2.3 All relevant information is reviewed and verified as part of the investigation before conclusions are drawn.

### 5.3 Non-retaliation:

- 5.3.1 Individuals will not be penalised for raising genuine concerns
- 5.3.2 A volunteer who raises a concern is not excluded from future project participation as a result
- 5.3.3 An employee is not demoted or given fewer responsibilities after raising a workplace issues
- 5.3.4 A Member will not be penalised for raising legitimate concerns

### 5.4 Timeliness:

- 5.4.1 Grievances will be addressed promptly and fairly
- 5.4.2 The organisation acknowledges receipt of the grievance within five [5] working days
- 5.4.3 Investigations are completed and outcomes communicated within a reasonable timeframe, having regard to the nature of the grievance and the extent and scope of any necessary investigations [e.g., 21 business days] or if complex a longer term may be necessary

**5.5 Fairness:**

- 5.5.1 Investigations and resolutions will be conducted in an impartial manner
- 5.5.2 Mediation is offered as a first option where appropriate to resolve interpersonal conflict
- 5.5.3 The process does not favour seniority, role or membership status
- 5.5.4 Cultural or accessibility needs are taken into account when managing the grievance.

**5.6 Support:**

- 5.6.1 Parties may access support persons or representatives [e.g., union representative, peer mentor] throughout the process
- 5.6.2 Referral to an external Employee Assistance Program Consultant or external mediator is provided when needed but must be pre-approved by the Governing Council with an understanding from both parties that the costs will be shared prior to any external engagement taking place.

## 6 Procedure

**6.1 Informal Resolution**

Where appropriate, individuals are encouraged to first raise their concerns directly with the person involved or with a supervisor, manager or designated contact (e.g. Volunteer Coordinator).

NTSA encourages and supports open and effective communication between the concerned parties at all times.

**6.2 Formal Grievance Lodgement**

If informal resolution is unsuccessful or inappropriate, the grievance should be submitted in writing to:

- 6.2.1 The **Chief Executive Officer (CEO)**, or
- 6.2.2 If the grievance involves the CEO, to the **Chair of the Governing Council**

The grievance should include:

- 6.2.2 The nature of the complaint
- 6.2.3 Individuals involved
- 6.2.4 Relevant events, dates and documentation
- 6.2.5 Desired outcome

**6.3 Acknowledgement**

The grievance will be acknowledged in writing within five [5] working days of receipt by the CEO or Chairperson of the Governing Council of the written grievance.

## 6.4 Investigation

An impartial investigator will be appointed, internal or external, depending on the nature of the grievance.

The investigation may include:

- 6.4.1 Confidential interviews
- 6.4.2 Review of evidence (emails, policies, records)
- 6.4.3 Risk and compliance assessment

## 6.5 Resolution and Outcome

A decision will be made and documented, including any recommended actions.

Possible outcomes:

- 6.5.1 Mediation or facilitated discussion
- 6.5.2 Policy changes or training
- 6.5.3 Disciplinary action (where misconduct is found)
- 6.5.4 No further action (if complaint unsubstantiated)

The outcome will be communicated to the complainant, generally within 21 working days.

## 6.6 Appeal Process

If the complainant is dissatisfied, they may seek a Council review of the outcome by submitting a written request to the President of the Governing Council within 10 working days of being notified of the original outcomes.

The Council may:

- 6.6.1 Uphold the original decision
- 6.6.2 Recommend further action or a fresh investigation
- 6.6.3 Seek external mediation or review

# 7 Record Keeping and Privacy

Records of grievances, investigations and outcomes will be securely maintained by the CEO or delegated authority in accordance with the **Privacy Act 1988 (Cth)** and NTSA's **Privacy Policy**. Only authorised persons may access grievance records.

## 8 Roles and Responsibilities

| Role                         | Responsibility                                                       |
|------------------------------|----------------------------------------------------------------------|
| CEO                          | Ensuring fair process and implementation of this policy              |
| Managers/Supervisors         | Supporting resolution and referring formal grievances appropriately  |
| Governing Council Chair      | Overseeing appeals and CEO-related grievances                        |
| Employees/Volunteers/Members | Raising concerns responsibly and engaging respectfully in resolution |

## 9 Support Options

NTSA recognises that grievances can be stressful.

Support is available through:

- 9.1 Internal mentors, HR or volunteer coordinators
- 9.2 External mediation (by arrangement)
- 9.3 Employee Assistance Program (if available)

## 10 Breaches of Policy

Knowingly lodging false complaints or failing to cooperate in good faith with grievance procedures may be considered misconduct and subject to disciplinary action.

## 11 Review and Monitoring

This policy will be reviewed at least every 2 years or earlier if there are significant changes in legislation, organisational structure or governance.

## 12 Definitions

|                |                                                                                                                   |
|----------------|-------------------------------------------------------------------------------------------------------------------|
| Grievance      | A formal expression of dissatisfaction related to the workplace, interpersonal issues or organisational decisions |
| Complainant    | The person lodging the grievance                                                                                  |
| Respondent     | The person or group against whom the grievance is made                                                            |
| Mediation      | A voluntary process where a neutral third party helps resolve disputes                                            |
| Support Person | A person who accompanies a party during meetings [not an advocate]                                                |