

women*scircus

Policy: Grievance & Disciplinary

Last reviewed: 24/09/21

Scheduled review date:

Board approved date: 28/09/21

Responsible persons: General Manager

Grievance & Disciplinary policy

Women's Circus will provide a robust set of principles, responsibilities and procedures associated with addressing and resolving Complaints made against members, employees, contractors, volunteers and/ or other participants of the Women's Circus to support the rights of individuals to achieve their full potential free from Bullying, Discrimination, Harassment, Victimisation and Vilification.

In order to assist members, employees, contractors, volunteers and/ or other participants of the Women's Circus who are faced with circumstances in which they feel aggrieved, Women's Circus also provides a mechanism for people to raise a Complaint, Grievance or Conflict in relation to internal human resources or employment related matters.

Women's Circus emphasises a fair, reasonable and unbiased approach to concerns, complaint, grievance and conflict resolution through informal processes where possible. These processes are designed to lead to a prompt resolution of problems in an expeditious and confidential manner, with access to formal mechanisms for resolving complaint, grievance and conflict if required.

This policy should be read in conjunction with the Women's Circus' Discrimination, Bullying and Harassment policy.

Scope

This policy applies to:

- All bullying, discrimination, harassment, vilification, victimisation concerns raised, or complaints made, against members, employees, contractors, volunteers and/ or other participants of the Women's Circus by any individuals interacting with Women's Circus.
- Complaints, grievances and conflicts raised members, employees, contractors, volunteers and/ or other participants of the Women's Circus in relation to employment or Circus related matters.

Failure to comply with this Policy or Policy Instrument may be considered as misconduct and the provisions of this policy and the Code of Conduct Policy applied.

Introduction

Women's Circus will treat concerns seriously and deal with complaints promptly and sensitively. Options for addressing the problem will be offered and discussed, and as much support as practicable will be provided.

The dispute resolution procedure in this policy is intentionally flexible – it provides an opportunity for action to be taken that is the most appropriate for each individual case and having regard to the seriousness of the allegation. The aim is to ensure that the issue is satisfactorily resolved and that there are no reprisals for making the complaint. Potential outcomes for substantiated complaints could include disciplinary action.

Any concerns raised will be treated with tact, sensitivity and confidentiality. However, please note that Women's Circus is obliged to investigate any concerns attached to potentially illegal actions, which can include discrimination and sexual harassment, and it may be obliged to report them to relevant regulatory bodies or the police, so absolute confidentiality may not always be possible in all circumstances. Every effort will be made to discuss available options and to act in a way that the concerned person understands and feels comfortable with.

Dispute resolution procedures for Members/Volunteers

Members who have a grievance arising out of their involvement with the Circus shall have the right for the grievance to be heard.

In the first instance, a member should inform the General Manager and they will attempt to resolve the grievance.

If the grievance remains unresolved, or you feel an informal process is not appropriate, the matter should be referred to the Board as a formal complaint.

Making a formal complaint

If you chose to make a formal complaint you should document the issue(s) in writing and where possible discuss them with the General Manager. A written complaint should include:

- a. the name of the person the complaint is being made about;
- b. a description of the incident(s)/ decision and/or behaviour/s in question;
- c. the time and date of the incident(s);
- d. the names of any witnesses;
- e. date(s) of complaint;
- f. your signature.

Once the Board have received a complaint a number of steps may occur which may include:

- discussing your complaint further with you;
- discussing different options for resolving the complaint;
- explaining the process and potential outcomes;
- investigating the complaint; and
- informing you (and any necessary and relevant parties) of the outcomes of the complaint.

All parties involved will be treated with dignity and respect and their views will be carefully considered before any final decisions are made.

You and/or the person about whom the complaint is made may choose to be accompanied by a support person at any meeting held in accordance with this policy. Any third parties to a meeting has observer status only and must not contribute to discussions unless permitted by a Women's Circus representative. They must also comply strictly with Women's Circus confidentiality requirements. Women's Circus has the discretion to disallow certain persons from being support persons if it would not be appropriate in the circumstances.

The grievance/complaint should be dealt with as quickly as possible. Until the grievance is resolved, the member's involvement with the Circus should continue as before the grievance was reported. However, the Board may still decide to suspend a person's volunteer role/membership or right to participate, where a complaint has been made against them and where the Board considers it to be necessary or appropriate in order to protect other members of the Women's Circus, or where it is in the best interests of the Women's Circus as a whole.

Outcomes and consequences

Complaints will be treated seriously and dealt with promptly and sensitively. Options for addressing the problem will be offered and discussed, and as much support as practicable will be provided.

Complaint substantiated

If a complaint is found to be substantiated as a result of an investigation, outcomes may include the following:

- a. disciplinary action against the person who is the subject of allegations up to and including termination of membership;
- b. an apology to the person who is the subject of the inappropriate conduct;
- c. a requirement for a person/s to undertake further training on relevant Women's Circus policies such as the Discrimination, Harassment and Bullying Policy;
- d. mediation; and/or
- e. The Board or an appropriate person (such as the General Manager) may:
 - i. endeavour to establish an understanding with the person (about whom the allegations have been made) as to how their actions could have been perceived as damaging, and to reinforce the right to participate in an environment that is free from discrimination, harassment, sexual harassment, bullying or victimisation; and
 - ii. require that a formalised agreement be made that the substantiated behaviour documented in the complaint will not occur again

Unsubstantiated complaint

If a complaint is found to be unsubstantiated and/or there continues to be a relationship issue the following steps may be undertaken:

- a) an undertaking to take further training on Women's Circus policies regarding inappropriate Circus conduct;
- b) mediation.

Withdrawing a complaint

Complaints can be withdrawn at any time. In most cases if the complainant withdraws or does not make a complaint then no further action will be taken. However, Women's Circus reserves the right to investigate suspected breaches of its policies and may be legally required to do so.

Malicious and/or false complaints

Anyone found to abuse this policy by raising malicious and/or false complaints against another person, in order to prejudice that person, or for any reason,

may also face disciplinary action, which may include termination of your membership.

Dispute resolution procedures for Employees

In the first instance, an employee, should inform the General Manager or Creative Producer and they will attempt to resolve the grievance.

If the grievance remains unresolved, or you feel an informal process is not appropriate, the matter should be referred to the Chair of Board as a formal complaint.

Making a formal complaint

If you chose to make a formal complaint you should document the issue(s) in writing and discuss them with your manager. A written complaint should include:

- c) the name of the person the complaint is being made about;
- d) a description of the incident(s)/ decision and/or behaviour/s in question;
- e) the time and date of the incident(s);
- f) the names of any witnesses;
- g) date(s) of complaint;
- h) your signature.

Once we have received a complaint a number of steps may occur which may include:

- discussing your complaint further with you;
- discussing different options for resolving the complaint;
- explaining the process and potential outcomes;
- investigating the complaint; and
- informing you (and any necessary and relevant parties) of the outcomes of the complaint.

All parties involved will be treated with dignity and respect and their views will be carefully considered before any final decisions are made.

You and/or the person about whom the complaint is made may choose to be accompanied by a support person at any meeting held in accordance with this policy. Any third parties to a meeting has observer status only and must not contribute to discussions unless permitted by the Women's Circus representative. They must also comply strictly with Women's Circus confidentiality requirements. Women's Circus has the discretion to disallow certain persons from being support persons if it would not be appropriate in the circumstances.

Outcomes and consequences

Complaints will be treated seriously and dealt with promptly and sensitively. Options for addressing the problem will be offered and discussed, and as much support as practicable will be provided.

Complaint substantiated

If a complaint is found to be substantiated as a result of an investigation, outcomes may include the following:

- a. disciplinary action against the person who is the subject of allegations up to and including termination of employment;
- b. an apology to the person who is the subject of the inappropriate conduct;
- c. a requirement for a person/s to undertake further training on Women's Circus policies such as the Discrimination, Harassment and Bullying Policy;
- d. counselling support;
- e. mediation; and/or
- f. The manager or another appropriate person (such as the Creative Producer) may:
 - I. endeavour to establish an understanding with the person (about whom the allegations have been made) as to how their actions could have been perceived as damaging, and to reinforce the right to work in an environment that is free from discrimination, harassment, sexual harassment, bullying or victimisation; and
 - II. require that a formalised agreement be made that the substantiated behaviour documented in the complaint will not occur again

If, after all reasonable steps have been taken in an endeavour to resolve the grievance, the grievance remains unresolved; either party has the right to refer the matter to an appropriate external body for conciliation.

Unsubstantiated complaint

If a complaint is found to be unsubstantiated and/or there continues to be a relationship issue the following steps may be undertaken:

- (a) an undertaking to take further training on the Women's Circus policies regarding inappropriate workplace conduct;
- (b) counselling support;
- (c) mediation.

Withdrawing a complaint

Complaints can be withdrawn at any time. In most cases if the complainant withdraws or does not make a complaint then no further action will be taken. However, Women's Circus reserves the right to investigate suspected breaches of its policies and may be legally required to do so.

Malicious and/or false complaints

Anyone found to abuse this policy by raising malicious and/or false complaints against another person, in order to prejudice that person, or for any reason, may also face disciplinary action, which may include termination of employment or ending your engagement or relationship with the Women's Circus.

Disciplinary procedures for members/volunteers

Where Women's Circus considers that disciplinary action is necessary, the appropriate management representative will notify the person of the reason(s) and inform the person that disciplinary action has been commenced in accordance with this disciplinary procedure.

After the individual has been advised of the commencement of disciplinary action, a meeting session will be arranged to discuss the matter. At this initial meeting, the individual will meet with a Women's Circus representative to discuss the matter. The person will be given the opportunity to provide any information that they believe is relevant to the matter.

Following the meeting, the Circus may decide not to take any further action in relation to the matter. Alternately, the Circus may decide to proceed with the disciplinary action. It could result in the following:

- request for additional information
- formal warning issued
- temporary suspension of membership
- termination of membership

If the problem continues, the membership may be terminated without any further warning. No terminations are to take place without notifying the Board.

If a dispute should arise over the disciplinary action, the member may refer the matter through the dispute resolution procedures above.

Disciplinary procedures for employees

Where Women's Circus considers that disciplinary action is necessary, the appropriate management representative will notify the person of the reason(s) and inform the person that disciplinary action has been commenced in accordance with this disciplinary procedure.

After the individual has been advised of the commencement of disciplinary action, a meeting session will be arranged to discuss the matter. At this initial meeting, the individual will meet with a Women's Circus representative to discuss the matter. The person will be given the opportunity to provide any information that they believe is relevant to the matter.

Following the meeting, the Circus may decide not to take any further action in relation to the matter. Alternately, the Circus may decide to proceed with the disciplinary action. It could result in the following:

- request for additional information
- agreed participation in training or skills development in relevant area (e.g participation in cultural safety training)
- performance management process initiated (refer to WC Staff Performance Management Policy)
- formal warning issued
- temporary suspension of employment
- termination of employment

If a dispute should arise over the disciplinary action, the employee may refer the matter through the dispute resolution procedures above.