

RTRFM Policy 005

RTRFM Grievances and Complaints

1. Purpose

The purpose of this policy is to set out how RTRFM will resolve grievances.

2. Scope

This Policy applies to:

- all RTRFM employees and potential employees
- all RTRFM members
- all RTRFM volunteers including Board members

This policy applies to behaviour that occurs in the workplace including work outside normal work hours and at work-related events such as conferences, training events and social functions like after hours' drinks, Christmas parties and at any other place where an employee is a representative of RTRFM.

This policy can be used to manage the following types of situations:

- Perceived unlawful behaviour such as discrimination, harassment and bullying
- Conflict with other staff, members and volunteers
- Lack of reasonable flexibility in workplace arrangements
- Promotions
- Training
- Rosters
- Workplace safety, if not resolved through the required occupational health and safety process
- Work environment issues
- Misconduct issues

3. Overview

RTRFM is committed to providing a safe and healthy workplace in which diversity is valued and encouraged. Problems arise from time to time as a result of differences in the workplace. This policy outlines the steps that will be taken when a person makes a workplace complaint or some type of unlawful or inappropriate behaviour is observed and reported to management.

This policy is consistent with RTRFM's values of Independence, Connection, Integrity and Cultivation.

Employees who engage in misconduct as outlined in RTRFM Policy 001 and RTRFM Policy 002 may be subject to disciplinary action, up to and including instant dismissal.

This policy cannot be used to manage discipline issues related to poor work performance. This must be addressed through the workplace performance system.

4. Definitions

Breach of Confidentiality: during or after a formal investigation one of the parties, witnesses, managers, or investigator connected to the investigation discloses information about the investigation to an employee not involved in the investigation.

Complainant: the person making the complaint.

Support Officer (SO): a person trained to provide support, information and referrals in relation to a workplace issue. This person is NOT involved in the resolution of a complaint.
Formal mediation: a form of alternative dispute resolution where a suitably qualified external third party assists the complainant and respondent to come to an agreed set of outcomes.

Frivolous complaint: a complaint that is found to be of little importance or to have no merit.

Grievance Officer (GO): a person trained to conduct formal investigations and resolve informal complaints.

Informal mediation: a process whereby a third party (usually internal) facilitates discussion between the complainant and respondent aiming to bring about a satisfactory resolution.

Investigator: person allocated to conduct the formal investigation. It may be a grievance officer or an external investigator.

Listener complaint: a complaint from a member of the listening community regarding the alleged non-compliance with both the licence conditions in the Act and the requirements outlined in the Codes, program content, or the general service provided to the community; it has a different resolution process to a typical 'complaint'.

Respondent: person responding to a complaint made about him/her.

Witnesses: anybody who is asked to provide information in relation to a formal investigation.

Vexatious complaint: a complaint that is instituted without sufficient grounds or serving to cause annoyance.

5. Responsibilities

5.1 All Employees

1. All employees at RTRFM must be aware of this policy. They are responsible for ensuring that:
 - a. Their behaviour in the workplace complies with this policy.
 - b. If an employee has any questions in relation to this policy then they can ask the RTRFM General Manager.
 - c. They respect the confidentiality of any complaint made and avoid gossip in relation to any possible inappropriate conduct.
 - d. Employees may be personally liable for their actions if they do not comply with the above requirements.

5.2 Managers/Supervisors

1. Managers and supervisors have a greater responsibility in the workplace. Managers and Supervisors:
 - a. Must investigate a complaint in accordance with this Grievance Handling Policy and Procedure.
 - b. Must not allow, permit, assist or tolerate inappropriate actions occurring or continuing by their action or inaction.
 - c. Must not victimise a person for making a complaint or a witness for giving evidence.
 - d. Must ensure that confidentiality is maintained in relation to complaints including stopping gossip when they are aware of it.
 - e. Managers/supervisors may be personally liable for their actions if they do not comply with the above requirements.

5.3 Employers

1. Employers' must:
 - a. Display this policy in a central location accessible to all staff.
 - b. Include this policy and discuss with new employees at orientation.
 - c. Educate all employees in relation to their rights and responsibilities in relation to reporting harassment, discrimination and bullying.
 - d. Educate managers and supervisors in relation to their extra responsibilities and duties because of their role in the organisation.
 - e. Either have trained Grievance Officers to investigate complaints or,
 - f. Have trained Support Officers to support employees throughout the process.

6. Over-Riding Principles

6.1 Confidentiality

1. People involved in the complaint (including the complainant, respondent, witnesses and investigator) are to follow the procedure outlined in this policy and not disclose the information to anyone else within the workplace.
2. Information about a complaint will only be given to people directly involved in the management of the complaint.
3. Anyone who discloses confidential information to another employee may be disciplined.
4. All documents created in the course of the grievance are to be kept securely and only on an employee's personnel file if the grievance is substantiated.

6.2 Natural Justice

1. When a matter is investigated the complainant (person making the complaint) and the respondent (person complained about) have certain legal rights that protect them during the investigation process.
2. RTRFM will ensure that when a matter is investigated:
 - a. The relevant facts of the allegation complained of are given to the respondent.
 - b. Both parties have an opportunity to respond to all of the evidence gathered and have a reasonable amount of time to do this.
 - c. Both sides are allowed support or representation.
 - d. All allegations will be fully investigated before a decision is made.
 - e. The decision maker is impartial.
 - f. The decision made will be fair and based on the documented evidence before the decision maker.
 - g. No disciplinary action will be taken unless the complaint is found to be proven.
 - h. The disciplinary action recommended is reasonable.
 - i. Both parties have the right to appeal either the finding or the recommendation or both.

6.3 Victimisation

1. Any employee who has made a complaint or is a witness to a complaint will not suffer any disadvantage or detriment for having made a complaint in good faith. If they do then this is called victimization and it is unlawful.
2. Anyone who victimises another person will be disciplined.
3. Anyone found to have made a malicious or false complaint will be disciplined.

7. Discipline

1. Discrimination, harassment (sexual, racial, disability), bullying, victimisation and breach of confidentiality will not be allowed at RTRFM. An employee who engages in any conduct that constitutes these behaviours will be subject to disciplinary action including instant dismissal. Disciplinary action could include:
 - a. Counseling
 - b. Warning: oral or written
 - c. Demotion
 - d. Apology
 - e. Training
 - f. Fine (state government)
 - g. Suspension
 - h. Dismissal
2. Any manager who is made aware of any behaviour that could be discrimination, harassment (sexual, racial, disability), bullying, victimisation or breach of confidentiality and who does not deal with the conduct appropriately or report the conduct to the appropriate personnel will also be subject to appropriate disciplinary action, including instant dismissal.
3. An employee making a complaint has two options available. The intention is that the lowest level of intervention appropriate to the issue be used. Where the complainant wishes to go straight to the formal level, this decision is to be made in conjunction with the RTRFM General Manager. Where the complaint is against the General Manager, the Board Chair or any member of the Board then the matter automatically becomes a formal complaint and must be dealt with in accordance with the procedure outlined in Formal Complaint Step 2 (see below).

8. Informal Complaint

1. An informal complaint is appropriate when one or more of the following exist:
 - a. Where the complainant wants the matter to be dealt with informally.
 - b. The matter is of a minor nature with little or no ongoing consequences.
 - c. The behaviour was one off or not over an extended period of time.
 - d. The impact on the complainant is minor.
 - e. There is an ongoing working relationship with parties that wants to be maintained.
 - f. Informal resolution hasn't been tried.
 - g. The complainant wants the behaviour to stop but doesn't want the other party to be punished.

2. The General Manager may decide once he/she has heard the complaint that it is serious and may have to escalate it to a formal complaint status even if the complainant does not want this to happen.
3. Steps to follow for an informal complaint
 - a. *Preparation by the Complainant - Step 1*
 - i. The complainant can access support from a Support Officer to help talk through the situation.
 - ii. It is useful for the complainant to think about what has happened and write it down (for their own benefit) in terms of what, when, where and who.
 - iii. The complainant should work out what outcome he/she would like to happen.
 - iv. The complainant should work out where, when and how he/she would like to approach the person.
 - b. *Approach the Person - Step 2*
 - i. The complainant can then state that he/she would like to have a talk with the respondent about his/her behaviour, ask him/her when they would like to do this.
 - ii. State what he/she noticed/observed and ask a question to understand why the other person did this such as, "I'm wondering what was happening for you..." Once the complainant has an understanding of where the person is coming from they can then explain why it does not work for them and what the complainant would like the respondent to do instead.
 - iii. If the matter is resolved then the complainant does not need to take any further action but he/she can contact their Support Officer to debrief if necessary.
 - c. *Speak with Grievance Officer - Step 3*
 - i. If the matter is not resolved or the complainant does not feel able to speak directly to the respondent then the complainant can speak with a Grievance Officer to discuss other suitable informal options.
 - ii. The Grievance Officer can have either a group general conversation or an individual general conversation with the respondent. The aim of this conversation is to remind staff of RTRFM's policies in relation to appropriate workplace behaviours and to highlight the types of behaviours complained of. This is an appropriate option where the behaviour complained of is not serious and there is a likelihood that staff are not aware that their behaviour is inappropriate and more than one person has experienced/witnessed it and the complainant does not want their identity disclosed (and because the behaviour is not just directed at the

- complainant, their identity does not need to be disclosed).
- iii. The other alternative is where the complainant does not feel comfortable speaking to the respondent the Grievance Officer can separately speak with the respondent about the behaviour. If the respondent responds positively to the approach and the Grievance Officer communicates this to the complainant and the complainant is happy with this then the matter is resolved without bringing the two parties together and no further action will be taken.
- d. *Informal Mediation - Step 4*
- i. Informal Mediation can be used where both parties agree to its use. The Grievance Officer will organise for the complainant and respondent to meet (after having had separate meetings with them) and the Grievance Officer will take on the role of mediating the conversation between the parties.
- e. *Formal Mediation - Step 5*
- i. Formal mediation involves an external qualified mediator conducting mediation between the respondent and complainant. Formal mediation is appropriate where the matter is serious and it is the last option before making a formal complaint. Both parties must agree to the mediation.
- f. *Recording Information*
- i. All interviews conducted should be reduced to writing. Any supporting evidence such as emails, pictures etc. should be copied and attached to the written notes. All of this information will be stored in a locked filing cabinet that only the RTRFM General Manager has access to.

9. Formal Complaint

1. A formal investigation is appropriate where an informal resolution was not successful or it has been decided that it is appropriate for a formal investigation to occur because one or more of the factors exist:
 - a. Where the complainant wants the matter to be dealt with formally.
 - b. The matter is of a serious nature with significant ongoing consequences.
 - c. The behaviours are repeated over an extended period of time.
 - d. The impact on the complainant is significant psychologically and/or physically.
 - e. The working relationship has broken down.
 - f. The complainant wants the truth to come out and the other party to be held to account for his/her actions.

2. Once a formal investigation has commenced RTRFM may suspend the respondent on full pay, if they are an employee or move the respondent to a different position—or suspend them from activities if they are a volunteer member—until the outcome of the investigation has been made known to both parties. Neither action is indicative of the guilt of the respondent.

3. The process to be followed for a formal complaint is outlined below.

- a. *Written Complaint - Step 1*

- i. The complainant or other relevant party (RTRFM General Manager or Grievance Officer) completes the written complaint form, in which the complainant focuses on the facts, what, where, when, how and any supporting evidence he/she may have, including other witnesses, emails, photographs, texts etc.
 - ii. If required the complainant can seek the help of their RTRFM Support Officer. to complete this form. The form is given to the RTRFM General Manager who will decide if the matter is to proceed as a formal investigation and who to allocate the investigation to. RTRFM's General Manager may decide that other informal options are to be explored first. It may be allocated to a Grievance Officer.
 - iii. A copy of the written complaint will be given to the respondent before the respondent is interviewed by the investigator. Once the respondent has been notified of the complaint, RTRFM has the option of suspending one or both parties on full pay and/or altering the work arrangements of one or both parties until the investigation is complete and the decision has been made by the decision maker.
 - iv. In addition, the investigator will also have a copy of the form.

- b. *Investigation of Complaint - Step 2*

- i. An investigation must have commenced within 7 days of the written form being given to someone in management.
 - ii. If the complaint is made against the General Manager or anyone on the Board of RTRFM then the complaint immediately goes to the Chair Person of the Board and the matter is automatically investigated by an independent external party. Otherwise the investigator can be a grievance officer or other suitably trained person.
 - iii. The investigator meets with the complainant and outlines the grievance process, the principles that apply to the process and the procedure that will be followed.
 - iv. The complainant can seek support/representation from their EAP/other external agency/Union/Lawyer.
 - v. The investigator interviews the complainant and any witnesses identified by the complainant and makes a written statement of all witnesses.
 - vi. The investigator checks the accuracy of the statements with the relevant witnesses and a final statement is completed

within 3 days of the draft statement having been provided to the complainant/witness.

- vii. The investigator provides copies or a summary of the statements to the respondent.
 - viii. The investigator meets with the respondent and outlines the grievance process, the principles that apply to the process and the procedure that will be followed.
 - ix. The respondent is provided with the complaint and all relevant witness statements, or a summary and has within 14 days to respond to the complaint.
 - x. The respondent can seek support/representation from their EAP/other external agency, Union or Lawyer.
 - xi. The respondent can respond in writing or/and by way of an interview with the investigator. A support person can be present during this interview and can take notes during the interview.
 - xii. The investigator makes a written statement based on the interview with the respondent and any relevant witnesses and checks the accuracy of the statements with the relevant witnesses and a final statement is completed within 3 days of the draft statement having been provided to the respondent/witness.
 - xiii. Where new facts arise in the course of the investigator interviewing the respondent and his/her witnesses then the investigator may provide the relevant new parts of the respondent's statement and witness statements or summaries of to the complainant and allow at least 7 days' time as preparation before the complainant responds.
 - xiv. The investigator meets with the complainant and makes a written record of his/her response to the respondent and other witnesses' statements.
 - xv. At any time throughout the formal grievance process the investigator, may with the consent of both parties, pause the investigation and attempt to mediate a resolution of the grievance. If the mediation is successful then the investigation will cease at that point. All documentation collected up until that point will be stored in a secure location, not on the personnel files of either party.
- c. *Outcome of Investigative Process – Step 3*
- i. The Investigator provides a written report to the decision maker which contains all the relevant evidence and states whether the allegations are substantiated or not and the recommended outcome (*latter part is optional*). The recommended outcome may include but is not limited to:
 - 1. Counseling
 - 2. Training
 - 3. Warning: oral/written

4. Demotion
 5. Apology
 6. Fine (state government)
 7. Suspension
 8. Dismissal
- ii. The decision maker makes a decision on the report provided and both parties are provided with the decision maker's decision (in writing) within 7 days of the report being provided to the decision maker.
 - iii. Either party may request in writing to have the finding or the discipline reviewed within 7 days of being notified of the decision. The request must be given to the General Manager or the Chair Person.
 - iv. Once an appeal letter has been received the General Manager or the Chair Person will outsource an independent investigator/legal practitioner to examine all of the evidence and advise accordingly.
 - v. The independent investigators' review is final within RTRFM.
 - vi. The time frames outlined in this document can be varied either by agreement between the parties, at the General Manager's or the Chair Person's discretion, if operational requirements or a justifiable reason for the delay can be substantiated; e.g. illness or leave.
 - vii. At any time the complainant may make a complaint to the Equal Opportunity Commission (ph: 1800 198 149) The Australian Human Rights Commission (ph: 1300 656 419) or WorkSafe (ph: 1300 307 877) if appropriate or bring a claim before Fair Work Australia (ph: 1300 799 675).

10. Vexatious Complaints

1. If a complaint is made and is subsequently found to be a frivolous or vexatious complaint then the person who made the complaint may be subject to disciplinary action up to and including instant dismissal.

11. Listener Complaints

1. Responding to listener complaints is an important role of the General Manager.
 - a. RTRFM 92.1 LTD acknowledges the right of our listeners, members and volunteers to comment and make complaints in writing concerning:
 - i. alleged non-compliance with both the licence conditions in the Act and the requirements outlined in the Codes,
 - ii. program content, and
 - iii. The general service provided to the community.

- b. RTRFM must broadcast at least one on-air announcement each week that contains information about the Codes and where listeners can get a copy.
 - c. RTRFM 92.1 LTD will make every reasonable effort to resolve listener complaints, except where a listener complaint is clearly frivolous, without sufficient grounds or not made in good faith.
- 2. RTRFM 92.1 LTD will ensure that:
 - a. Listener complaints will be conscientiously considered, investigated if necessary and responded to substantively as soon as possible,
 - b. Listener complaints will be responded to in writing within 60 days of receipt (as required in the Act, and the response will include a copy of the Codes,
 - c. Listener complainants are advised in writing that they have the right to refer their complaint about a Code matter to ACMA provided they have first:
 - i. formally lodged their complaint with the licensee, and
 - ii. Received a substantive response from the licensee and are dissatisfied with this response or did not receive a response from the licensee within 60 days after making the complaint.
 - iii. A responsible officer of the licensee will maintain a record of listener complaints and responses for a period of at least two years from the date of the complaint.
 - iv. The record of listener complaints and responses will be made available to ACMA on request.
 - v. a record of material relating to listener complaints is kept, including logging tapes or audio copies of broadcast material, and written documentation for one year, including:
 - 1. The date and time the complaint was received,
 - 2. The name and address of the complainant,
 - 3. The substance of the complaint, and
 - 4. The substance and date of the licensee's response.

A written complaint or response can be a letter, fax or email.

12. Application of Policy

Observance of the policy

The RTRFM Board and General Manager have a strong commitment to this policy and to ensuring that members understand how it applies to their time at RTRFM.

This policy statement is available to members and the public.

13. Review

This policy was set by the RTRFM Board in March 2018.

This policy was amended by the General Manager and Board in January 2022.