

CounComplaint Handling Policy

Purpose:

This policy is intended to ensure JCUSA handle complaints fairly, efficiently and effectively. This policy establishes the role of JCUSA in efficiently handling complaints, including harassment, bullying or discrimination complaints that are a Work Health and Safety responsibility.

Principles:

JCUSA is committed to a system of complaint management that is fair, efficient, effective, and transparent. We intend to respond to complaints in a positive manner that contributes to the continuous improvement of the organisation.

Our Complaint Management System is committed to the following principles:

- Seeking and receiving feedback and complaints about our products, services, events, workers and complaint handling.
- The Complaint Handling Policy will clearly state the requirements for handling a complaint within the JCUSA workplace.
- Complaints will be managed in a fair, effective, efficient, confidential and transparent manner.
- A complainant will have the opportunity to formally present their case at minimal cost to themselves.
- A complainant will not be treated less favourably, victimised, or otherwise discriminated against as a result of making or of withdrawing a complaint.
- This policy will be accessible to all workers and customers.
- Resources such as policies, procedures, forms and templates will be available to workers involved in responding to complaints.
- A complainant may at any time withdraw their complaint, by notice in writing.
- Complaints will be resolved in a timely manner.
- The complaint resolution process will be conducted in accordance with the principles of natural justice.
- Complainants and Respondents will be provided reasons for any determinations made regarding the complaint.
- This policy supports the implementation of a safety management system as it can be utilised for discrimination, harassments and workplace bullying complaints.
- Protecting JCUSA workers from frivolous, vexatious or malicious complaints.
- The availability of JCUSA's complaint management processes does not remove a person's right to contact, lodge a complaint with, or seek a review by an appropriate external organisation or to take action under relevant laws.

Scope:

This policy applies to all complaints received by JCUSA regarding our products, services, events, workers and complaint handling. This includes staff grievances, Code of Conduct complaints and workplace bullying, discrimination and harassment.

This policy applies to all JCUSA Councillors, all workers (including contractors and volunteers) as well as students, visitors, members of the public, and JCUSA Clubs & Societies affiliated members.

Nothing in this policy is intended to exclude or in any way affect the application of the legislation in force in the place where a decision, act or omission leading to a complaint, arises or occurs.

Policy Statement:

Council takes very seriously its duty of care towards its staff and the public, and recognises its duty to comply with all relevant legislation related to ensuring the health and safety of persons and the efficiency of business operations. JCUSA expects workers at all levels to be committed to fair, effective and efficient complaint handling.

The Policy will clearly state:

- Who is responsible for managing complaints;
- Managing an informal complaint – For All Complaints;
- Managing a formal complaint – For All Complaints;
 - Advising the Respondent about the complaint – General Complaint;
 - Advising the Respondent about the complaint – Complaint against an Employee under the EBA;
 - Advising the Respondent about the complaint – Complaint against Councillor;
- Investigation Of Complaint – All Complaints;
- Outcomes of the process;
 - Allegations are not admitted or substantiated
 - Admitted or substantiated
- Vexatious, Malicious or Frivolous Complaints; and
- Feedback.

Responsibilities:

All workers have a responsibility to ensure that, when a complaint is brought to their attention, appropriate action is taken to address the complaint to ensure an expeditious remedy.

The responsibility for managing health and safety ultimately rests with the person in control of the business or undertaking (PCBU), directors and management. Workers also have important responsibilities for health and safety in the workplace. Complaints pertaining to breaches of JCUSA Policy and Procedures, discrimination, harassment and workplace bullying fall into this area of responsibility. Frivolous, Malicious and vexatious complaints may be a form of abuse that can result in psychological harm. Therefore, it is the responsibility of JCUSA to protect workers from these forms of complaints.

JCUSA Council has ultimate responsibility for all workers to comply with approved policies, procedures, and safe work procedures that:

- support and align with current legislation, regulations and codes of practice;
- are implemented and monitored; and
- are reviewed to evaluate their continuing effectiveness and currency.

Officers have a duty to exercise due diligence to ensure the PCBU complies with the WHS Act and WHS Regulations. This includes taking reasonable steps to ensure the business or undertaking has appropriate processes for complaint management. This includes complaints that pertain to harassment, discrimination and workplace bullying.

Workers must:

- take reasonable care for their own health and safety;
- take reasonable care that their conduct, acts or omissions does not adversely affect the health and safety of others or property;
- comply, so far as they are reasonably able with instructions;
- co-operate with reasonable health and safety policies or procedures that have been notified to workers;
- refer complaints that are brought to their attention to the appropriate person.

| Person | Responsibility |
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| JCUSA President | <ol style="list-style-type: none"> 1. To advise complainants of this policy and their right to make a complaint under this policy. 2. To offer to provide a complainant with a copy of this policy and Form 070 Complaint Form when a complaint is brought to their attention by a complainant or complainant representative and to provide a copy when requested to do so. 3. To make all reasonable attempts to comply with the JCUSA complaints management system in assessing and determining the outcome of complaints received regarding: <ul style="list-style-type: none"> • the JCUSA General Manager; • the JCUSA Councillors; • JCUSA Council events; • JCUSA Committees including Clubs and Societies; and • Any other complaints in connection to JCUSA Council duties and responsibilities. 4. To maintain confidentiality regarding the complaint. 5. To notify the complainant and respondent of the outcome in a timely manner. |
| JCUSA General Manager | <ol style="list-style-type: none"> 1. To advise complainants of this policy and their right to make a complaint under this policy. 2. To offer to provide a complainant with a copy of this policy and Form 070 Complaint Form when a complaint is brought to their attention by a complainant or complainant representative and to provide a copy when requested to do so. 3. To make all reasonable attempts to comply with the JCUSA complaints management system in assessing and determining the outcome of complaints received regarding: <ul style="list-style-type: none"> • the JCUSA President; • the JCUSA Sport and Recreation Manager; • the JCUSA Workers (including bullying, harassment and discrimination); • JCUSA Sports and Rec or Advocacy events; • JCUSA products; and • Any other complaints received outside of the JCUSA Council duties and responsibilities. 4. To maintain confidentiality regarding the complaint. |

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| | 5. To notify the complainant and respondent of the outcome in a timely manner. |
| JCUSA Sports and Recreation Manager | <ol style="list-style-type: none"> 1. To advise complainants of this policy and their right to make a complaint under this policy. 2. To offer to provide a complainant with a copy of this policy and Form 070 Compliant Form when a complaint is brought to their attention by a complainant or complainant representative and to provide a copy when requested to do so. 3. To make all reasonable attempts to comply with the JCUSA complaints management system in assessing and determining the outcome of complaints received regarding: <ul style="list-style-type: none"> • the JCUSA Sports and Recreation Workers (including bullying, harassment and discrimination); • JCUSA Sports and Rec events; • JCUSA Sport services; and • Any other complaints received regarding Sports and Recreation. 4. To maintain confidentiality regarding the complaint. 5. To notify the complainant and respondent of the outcome in a timely manner. |
| JCUSA Worker | <ol style="list-style-type: none"> 1. To advise complainants of this policy and their right to make a complaint under this policy. 2. To offer to provide a complainant with a copy of this policy and Form 070 Compliant Form when a complaint is brought to their attention by a complainant or complainant representative and to provide a copy when requested to do so. 3. To refer all complaints in a timely manner to the JCUSA President or JCUSA General Manager or JCUSA Sport and Recreation Manager for assessment and determination under the complaints management system. 4. To maintain confidentiality regarding the complaint. |

Definitions:

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| Complainant | A person(s) who makes a complaint under this policy. |
| Complaint | A Complainant's expression of dissatisfaction that their rights, existing interests and/or reasonable expectations under this policy have been adversely and unjustifiably affected because of an action, decision or omission within the control or responsibility of JCUSA. |
| Complaint Management System | All policies, procedures, practices, staff, councillors, hardware and software used by JCUSA in the management of complaints. |
| Councillor(s) | A person or persons who is an office bearer of the Student Association Council who was elected or appointed in accordance with the JCUSA Constitution, Part 6. |
| Discrimination | <p>Has the same meaning as contained in the Anti-Discrimination Act 1991 (Qld), Age Discrimination Act 2004 (Cth), Disability Discrimination Act 1992 (Cth), Racial Discrimination Act 1975 (Cth), Sex Discrimination Act 1984 (Cth).</p> <p>The grounds for which a complaint may be made under this policy include discrimination, and harassment based on one or more of the following characteristics:</p> <ul style="list-style-type: none"> • Sex or gender; • Relationship status, pregnancy, breastfeeding, parental status and family responsibility; • Sexuality or gender identity; • Disability or impairment; • Race, accent, colour, national or ethnic origin, nationality, ethnicity, descent or ancestry, or immigration; • Age; • Religious or political belief or activity; • Trade union activity; • Lawful sexual activity; or <p>Personal association with or relation to any person who is identified on the basis of any of the above attributes.</p> |
| Dispute | An unresolved complaint escalated either within or outside of our organisation. |
| Duty holder | Any person who owes a work health and safety duty under the WHS Act including a person conducting a business or undertaking, a designer, manufacturer, importer, supplier, installer of products or plant used at work (upstream duty holder), officer or a worker. |
| Feedback | Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our products, services, events, staff, Counsellors and complaint handling where a response is not explicitly or implicitly expect or legally required. |

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| Formal Complaint | A formal complaint is a complaint submitted in writing to the JCUSA in accordance with this policy. |
| Frivolous Complaint | A frivolous complaint is a complaint made without having any serious purpose or value. |
| Malicious Complaint | A Malicious Complaint is a complaint made with the intention to cause harm. Any complaint made by a complainant that is not made in good faith but is intended to victimise or otherwise harass the respondent will be deemed to be malicious. |
| Natural justice | <p>Natural justice, also known as procedural fairness, is concerned with the procedures used to arrive at a decision, rather than the decision reached. It requires a fair and transparent process. The Complainant and Respondent must both be afforded natural justice, which includes the Respondent being sufficiently informed of the allegation to allow for a meaningful response. Natural justice requires:</p> <ul style="list-style-type: none"> • The right to be heard; • The right to be treated without bias or conflict of interest; • A decision based on evidence. <p>These rules involve Complainants and Respondents having a reasonable opportunity to prepare and present a case and to have their cases considered justly.</p> |
| Officer | <p>An officer under the WHS Act includes:</p> <ul style="list-style-type: none"> • an officer under section 9 of the Corporations Act 2001 (Cth) • an officer of the Crown within the meaning of section 247 of the WHS Act, and • an officer of a public authority within the meaning of section 252 of the WHS Act. <p>A partner in a partnership or an elected member of a local authority is not an officer while acting in that capacity.</p> |
| PCBU – Person Conducting Business or Undertaking (PCBU) | <p>A PCBU is an umbrella concept which intends to capture all types of working arrangements or relationships. A PCBU includes a:</p> <ul style="list-style-type: none"> • company • unincorporated body or association • sole trader or self-employed person. <p>Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU. A volunteer association (defined under the WHS Act, see below) or elected members of a local authority will not be a PCBU. A group of volunteers working together for one or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.</p> |
| Policy | A statement of instructions that sets out how we should fulfil our vision mission and goals. |

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| Procedure | A statement or instruction that sets out how our policies will be implemented and by whom. |
| Respondent | A person(s) against whom a complaint is made. |
| Vexatious Complaint | A vexatious complaint is any complaint made not in good faith with the intention of causing the respondent annoyance, frustration or worry. These complaints may be repetitive, unreasonable or unfounded. |
| Worker | Any person who carries out work for a person conducting a business or undertaking, including work as an employee, contractor or subcontractor (or their employee), self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' or a volunteer. JCUSA Councillors are included in the term worker. |

Acronyms

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| JCUSA | James Cook University Student Association |
| PCBU | Persons conducting a business or undertaking |
| WHS | Workplace Health and Safety |

Policy

1. JCUSA recognises that a complaint can be made by a vast range of complainants across a broad range of issues within JCUSA to any worker of JCUSA.
2. JCUSA has made every effort to ensure that our policy can address the many complexities of complaints, it is recognised that complaints may arise from time to time that requires deviation from the complaints procedure. Where we are required to deviate from the procedure, the complainant and respondent will be notified in writing of the change and provided with reasons for the change.
3. Workers who are the first point of contact for the receipt (whether verbally or in writing) of a complaint are responsible for advising the complainant of this policy, offering a copy of this policy and providing a copy of this policy to complainants in the first instance.
4. Workers should document details of the complaint and liaise with the complainant about their complaint in the first instance.
5. Complainants will be listened to, treated with respect, and actively involved in the complaint process where possible and appropriate.
6. Workers should encourage Complainants to initially attempt to resolve their complaint informally directly with the respondent.
7. If a complainant deems that informal resolution is not possible, appropriate or satisfactory; then a formal complaint can be submitted.
8. While informal complaint resolution is encouraged it is not a requirement for lodging a formal complaint.
9. Confidentiality must be maintained to the greatest possible extent at all stages of the complaint management process. Communication must be limited to persons to whom disclosure is consistent with their official position and responsibility, or with specific responsibility to assist in the resolution of the complaint or appeal.
10. Complainants are entitled to a support person to support them through the complaints process. Where necessary, a complainant is permitted to be represented through the complaint process. While JCUSA encourages complainants to be actively involved in the complaints process to empower complainants throughout the process, JCUSA

understands that there are times where complainants require additional support or assistance.

Managing an Informal Complaint – For All Complaints

11. Complainants are encouraged to attempt to resolve their complaint informally by making an initial approach to the relevant worker to discuss the matter. This informal method of resolution allows the parties to explore the options and make their own decisions about how to resolve a complaint rather than having a third party make and enforce a decision.
12. In some situations it may be appropriate to consider early resolution of an initial complaint without undertaking an assessment of its merit. This approach would be useful where:
 - the complainant indicates a desire to sit down and discuss the matter with the respondent informally and this seems appropriate in the circumstances;
 - the complaint is not serious and not significant and can be resolved quickly through the actions of an individual staff or councillor;
 - the information on hand supports a view that the complaint has arisen from a misunderstanding or miscommunication; and/ or
 - the behaviour being complained about is not serious and does not appear to be discrimination or harassment, as defined by POL011 Discrimination, harassment and workplace bullying policy.
13. This policy does not intend to limit the various means in which an Informal Complaint may be resolved. In the interest of ensuring a fair, efficient and effective resolution, an informal resolution process will be flexible and may involve:
 - a direct private discussion between the complainant and the respondent;
 - an action or ceasing of action or behaviour that would resolve the issue immediately; e.g. turning the music down at an event
 - an impartial third person helping those involved to talk to each other and find a solution;
 - In some situations the impartial third person may need to be someone external to the organisation, such as a professional mediator.
14. The worker taking the details of the complaint should:
 - a. be available to listen to the complainants concerns;
 - b. not form a view of the merit of any allegations;
 - c. provide information about the internal complaint process;
 - d. advise the person that in some situations where serious allegations are raised – for example, allegations that may expose the organisation to legal liability – the issue may need to be reported to management and dealt with as a formal complaint; and
 - e. where appropriate, provide support for a person if he or she wants to try and resolve the issue personally.

Managing a Formal Complaint – For All Complaints

15. When a complainant would like to lodge a formal complaint, the details of the complaint must be in writing on a Form 070 Complaint Form.
16. If a formal complaint is received in writing not on a Form 070 Complaint Form, the complainant should be advised of Form 070 Complaint Form, provided a copy of the Form and requested to complete the correct form.
17. Complainants must be advised that failure to provide their formal complaint on the required Form, may result in delaying the resolution of their complaint.
18. Where a complainant is unable to complete the required Form, their formal complaint can be accepted either in writing or verbally provided that the worker who initially engages with the complainant makes note of the complaint on Form 070 Complaint Form and explains the reason for the complainant being unable to complete the required form.
19. A complainant should be encouraged to submit the form by email directly to the relevant person, being either the President, General Manager or Sports and Recreation Manager. The purpose of submitting the form directly to the required person assists in maintaining confidentiality.
20. If a complainant is unsure who to submit their Form 070 Complaint Form to, the Form should be sent to the General Manager to determine the appropriate person.
21. If a complainant wishes to provide their complaint in hard copy, they may do so at the reception desk in either Cairns or Townsville.
22. On receipt of the complaint, the Admin Officer will scan and email the Form 070 Complaint Form directly to the General Manager. The Form is not to be scanned directly to the workers email account.
23. Where a worker has been the initial contact point for the complaint and has assisted the complainant in the informal complaint process, the worker may forward the Formal Complaint Form 070 Complaint Form to the relevant person. Once Form 070 Complaint Form has been forwarded to the required person, the worker must advise the complainant that they are unable to assist further and encourage the complainant to seek support from a support person independent of JCUSA. This is to ensure that the respondent's confidentiality is maintained and to avoid any potential conflict of interests in the resolution of the complaint.
24. Once the Formal Complaint has been received by either, the President, the General Manager or the Sports and Recreation Manager, they will be deemed to be the person handling the complaint.
25. Where a complaint is made that derives from an incident or situation that is more than 6 months old, the person handling the complaint has the discretion to accept or dismiss the formal complaint.
26. On receipt of the complaint, the person handling the complaint must acknowledge receipt of the complaint to the complainant by email within 5 working days. This email should also include the following:
 - a) Information about the complaint process;
 - b) explain that the process is confidential, what this means and why it is important;
 - c) explain what records of the complaint will be kept, for how long and where;
 - d) ask the complainant to provide additional information, relevant documents or details of witnesses that may support the allegations; and
 - e) explain the action that may be taken if the complaint is found to be vexatious or malicious, if required.

27. The person handling the formal complaint must ensure that the complaint is documented on the relevant Complaints Register:
 - a. JCUSA Council Complaint Register (DOC008)– accessible only by the President and the General Manager;
 - b. JCUSA Employee Complaint Register (DOC009)– accessible only by the General Manager; or
 - c. JCUSA Sports and Recreation Complaint Register (DOC010)– accessible only by the Sports and Recreation Manager and the General Manager.
28. The person handling the complaint must then investigate the complaint.
29. Where there is a concern about supporting information being destroyed or compromised, the person handling the complaint should try to obtain this information before taking any further action.
30. If there is insufficient information or evidence, the person handling the complaint should write to the complainant by email requesting additional information be provided within 5 working days, failure to do so will result in the complaint being dismissed.
31. Where there is sufficient information or evidence to proceed with the complaint, the respondent should be notified in writing of the complaint or allegation against them.
32. In some circumstances it may be necessary for the person handling the complaint to meet with the complainant to discuss the complaint in more detail. If a complainant is unwilling or unable to meet to discuss the complaint with the person handling the complaint, the complainant must elect to have the complaint determined on the written evidence provided and must record this on the Form 070 Complaint Form.

Advising the Respondent About The Complaint – General Complaint

33. Upon receipt of the complaint and initial assessment, the General Manager, Sports and Recreation Manager, or President will:
 - a. advise the respondent in writing to their work email (or other nominated email) that a complaint has been made that involves them or is against them and provide as much information as possible about the allegations and supporting information;
 - b. advise the respondent that they will be given the opportunity to respond to the allegation/s in writing and/or through an interview. A respondent will have 10 working days to respond in writing and any interview regarding this matter cannot be held within the 10 working day time frame unless the respondent has elected not to provide a written statement and gives written permission for it to be within the 10 working day time frame;
 - c. provide information about the complaint process, potential outcomes and options for assistance/support person;
 - d. explain that the process is confidential, what this means and why it is important;
 - e. explain that where the complainant is disclosed or may be identifiable, the respondent is prohibited from discussing the complaint directly with the complainant; and
 - f. explain that the respondent is prohibited from applying direct or indirect pressure on the complainant to withdraw the complaint.

34. The respondent's written statement is to remain confidential and must be saved in the appropriate location for the complaint. For complaints against workers employed under the EBA, any complaint documentation must be saved in their confidential employee file. For complaints against councillors, any complaint documentation must be saved in their confidential councillor files. For complaints against JCUSA generally, any complaint documentation must be saved in a password protected file on the JCUSA database. For complaints against JCUSA Sports and Recreation, any complaint documentation must be saved in a password protected file on the JCUSA database.

Advising the Respondent About The Complaint – Complaint Against An Employee Under The EBA

35. In addition to the above, where a complaint is made against an employee employed under the EBA, the complaint must include:
- a) sufficient detail to enable the employee to understand the precise nature of the complaint to properly consider and respond to the allegation;
 - b) information pertaining to whether the employee will be suspended with or without pay in accordance with the EBA;
 - c) notification to the employee that they have the option to respond with a written statement within 10 working days of receipt of the allegation specifying whether they admit or deny the allegation against them; and
 - d) Reference to the relevant provisions of the EBA (where applicable).

Advising the Respondent about the complaint – Complaint against Councillor

36. In addition to the above, where a complaint is made against a Councillor, the councillor must be notified of whether the allegation is regarded as a breach of discipline in accordance with Part 7 of the JCUSA Constitution.
37. Where the complaint is deemed not to be a breach of discipline, the general complaint policy and procedure will apply.
38. Where the complaint is deemed to be a breach of discipline by the General Manager or the President, the process set out in the constitution must be complied with.
39. Any breach of discipline complaint or allegation received on a Form 070 Complaint Form, requires the person handling the complaint to include in their email to the complainant, an explanation of a breach of discipline, the correct process to address a breach of discipline and a request to clarify whether the complainant would like their complaint dealt with under the complaints policy as a complaint or under the constitution as a breach of discipline.
40. A complaint that may also be a breach of discipline cannot be lodged as both a complaint and a breach of discipline matter. JCUSA will not subject a complainant and respondent to multiple processes for the same allegation or complaint.

Investigation of Complaint – All Complaints

41. The person handling the complaint will gather the information regarding the complaint, including but not limited to:
- a) Form 070 Complaint Form;
 - b) Complainant's Statement
 - c) Respondent's Statement;
 - d) Witness statements; and
 - e) Supporting documentation or Evidence.

42. Once all of the information is gathered, the person handling the complaint will advise both the complainant and respondent of a time for a formal meeting regarding the complaint. The Complainant and Respondent will both be given equal opportunities to discuss the complaint with the person handling the complaint independent of each other.
43. The person handling the complaint is permitted to contact any witness included in the Form 070 Compliant Form or witness who has provided a supporting statement, if the person handling the complaint deems it necessary to determine whether the complaint or allegation is substantiated.
44. The person handling the complaint must determine, within 5 working days of meeting with the respondent, whether the complaint or allegation is substantiated or not and notify the complainant and respondent.
45. Where the respondent elects not to meet with the person handling the complaint, the person handling the complaint must make a determination within 10 working days of receiving the respondent's response to the complaint or allegation and notify the complainant and respondent.
46. If no response is received from the respondent, the person handling the complaint can only act upon the evidence to hand at the time of making a determination.
47. The person handling the complaint must make an evidenced based decision being satisfied that it is 'more probable than not' that what is alleged to have happened did happen.

For example, given the nature of discrimination and harassment, there may often be no direct witnesses or documents to support the complainant's version of events. This does not mean that the allegation is untrue. In these situations, the person handling the complaint should have a written statements and an opportunity to discuss the matter with the complainant and respondent. The written and verbal evidence will be assessed by the person handling the complaint to determine which version of events etc. is more likely than not to have occurred.

48. Where the allegation is not substantiated, the person handling the complaint must notify the complainant and respondent that the allegation is dismissed.
49. Where the complaint or allegation is substantiated, the person handling the complaint will notify the respondent that the complaint or allegation was substantiated and provide the respondent an opportunity to provide a written response on a possible outcome. The response must be provided to the person handling the complaint within 3 working days.
50. On receipt of the respondents proposed outcome, the person handling the complaint must determine the appropriate penalty to be applied.
51. The Respondent must be notified of the outcome within 5 working days of submitting their proposed outcome.
52. It is important that the complainant is provided with general information about the outcome of a complaint, as this may affect their decision to pursue the matter with an external party. The level of detail provided should be balanced against the need to respect the privacy of the respondent.

Outcomes from the Process

53. JCUSA aims to improve the organisation and keeps this in mind when determining appropriate outcomes for complaints.

Allegations are not admitted or substantiated

54. Where allegations have not been admitted or substantiated, it may still be appropriate for JCUSA to take some action as a result of the complaint.

55. Some of the outcomes may include but are not limited to:

- a. Changes to policy, procedures or documentation;
- b. Provision of training; and
- c. Re-issue relevant policies or code of conduct to all employees.

56. If such action is taken, it is important that it is not done in a way which could be seen as singling out or punishing the respondent, especially where the complaint has not been substantiated.

Admitted or substantiated

57. Where the allegations are admitted or substantiated, the following outcomes for the respondent should include what is documented in the Enterprise Bargaining Agreement, workplace policies or Code of Conduct. These include but are not limited to:

- disciplinary counselling;
- an official warning;
- a requirement to attend training;
- a requirement to provide a formal apology to the complainant;
- disciplinary action (e.g. demotion, transfer, suspension, probation or dismissal); and/or
- participation in mediation to restore relationships in the workplace.

58. Outcomes for the complainant may include but is not limited to:

- a) an apology;
- b) a refund;
- c) reimbursement of expenses; and/or
- d) supportive counselling.

59. For a complaint between employees, outcomes may include:

- change in the work environment, as requested, for example, a change in work teams or location;
- re-crediting of any leave taken as a result of the discrimination or harassment; and/or
- participation in mediation to restore relationships in the workplace.

60. Other outcomes may be considered where appropriate. This is at the discretion of the person handling the complaint. Where an alternative outcome is applied, the person handling the complaint must provide reasons when advising the complainant and respondent of the outcome.

Vexatious, Malicious or Frivolous Complaints

61. Where the person handling a complaint determines that the complaint is Vexatious, Malicious or Frivolous, the person handling the complaint must dismiss the complaint.
62. The person handling the complaint must notify the complainant as soon as practicably possible that the complaint has been dismissed for being vexatious, malicious or frivolous.
63. Where a complaint is vexatious, malicious or frivolous, the person handling the complaint can investigate the complainant to determine whether any action should be taken against the complainant for bullying or harassment under the Discrimination, Harassment and Workplace Bullying Policy.

Feedback

64. Where a complainant wishes to lodge a complaint anonymously, a complainant should be advised that JCUSA cannot receive anonymous complaints but can receive anonymous feedback.
65. Where a complainant wishes to provide feedback in order to maintain anonymity, they must be advised that they will not be notified of the outcome of their feedback. Complainants must also be advised that they cannot seek personal outcomes through the Feedback process.
66. Feedback can be provided on both Positive and Negative aspects of the organisation.
67. Feedback should be in writing on a Form 124 Feedback Form.
68. Feedback received in this way will be used by JCUSA to improve the organisation.

Related Legislation and Documents

Australian Human Rights Commission, Good practice guidelines for internal complaint processes

Compliant handling at universities: Australasian best practice guidelines

Fair Training (Code of Practice-Fitness Industry) Regulation 2003

Work Health Safety Act 2011

WHS Regulation 2011

POL001 WHS Policy

POL010 Discrimination, Harassment and Workplace Bullying

POL042 Code of Conduct

Form 070 Complaint Form

Form 130 Feedback Form

DOC008 JCUSA Council Complaint Register

DOC009 JCUSA Employee Complaint Register

DOC010 JCUSA Sports and Recreation Complaint Register

JCUSA Constitution

Administration

Note: Printed copies of this policy are uncontrolled and currency can only be assumed at the time of printing.

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