

GRIEVANCE RESOLUTION

Procedure

All Employees are empowered and encouraged to communicate with their Franchise owners, managers and National Support Office with regard to any concerns or grievances related to their employment.

The procedure set out below should be followed, where practicable, for the resolution of Employee/workplace related grievances and complaints.

All matters will be treated confidentially, without bias or malice and rectified in a timely manner.

Step 1 - Discuss the situation with the respondent

Where the Employee feels comfortable about doing so, they should approach the person with whom they have their grievance ('the respondent') and make them aware of their grievance e.g. that they find the respondent's behaviour or actions unacceptable, are not happy with the respondent's decision etc.

The Employee should tell the respondent what they would like the respondent to do to resolve their grievance - e.g. that they wish the unacceptable behaviour to cease, they would like the respondent to explain their reasons for the decision. Sometimes the respondent may not be aware that they have caused the Employee concern. A polite, but firm, approach directly to the respondent may address the grievance.

The Employee must give the respondent the opportunity to respond to the grievance. The respondent has three working days to respond.

Step 2 - Discussion with the Manager / Franchisee

If the Employee is not satisfied with the response received or does not feel comfortable doing so, the next step is for the Employee to raise and discuss their grievance with their Manager/Franchisee, to try to achieve a resolution.

The Employee should put into writing the subject of their grievance - e.g. the behaviour they find unfair or discriminatory or the decision they have a concern about. This should include the date, the incident/event to which the grievance relates, the nature of the Employee's grievance and, where relevant, the name of any person who may have witnessed the behaviour or actions to which the grievance relates.

The Manager/Franchisee will discuss the grievance with the Employee as soon as possible, listening carefully to all of the information provided with a view to finding ways in which the situation can be resolved. Generally notes will be taken of the discussion and an investigation subsequently carried out.

The Employee raising the grievance may ask another person to be involved in the discussion as a support person.

The aims of the initial discussion with the Manager/Franchisee are to:

1. Assist the Employee to clarify the grievance (particularly to determine whether there is an allegation of unlawful discrimination and/or harassment);
2. Investigate ways in which the situation can be resolved. Options could include mediation involving the Employee and the respondent, a confidential representation by a third party on behalf of the Employee to the respondent, or other appropriate remedial action, e.g. making reasonable workplace modifications where a person has a physical disability to enable them to perform the job;
3. Try to reach an agreement as to how the grievance should be addressed; and
4. Advise the Employee of the further steps in the grievance resolution procedure.

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Guidelines for Managers conducting a grievance discussion are contained at the end of this Policy.

Following this discussion, the Manager/Franchisee will investigate the grievance and take such action as they consider appropriate and in doing so take into account as far as practicable the views of the Employee and the respondent. The Manager/Franchisee is to make a formal response to the Employee within three working days.

If it is not appropriate for the grievance to be raised with the Employee's Manager/Franchisee (e.g. because it concerns behaviour of that person) the grievance can be taken to a representative of the National Support Office (including relevant Business Development Manager, Compliance Manager or Recruitment and Retention Manager) instead.

Step 3 - Formal complaint

Where an Employee is not satisfied with the response from Step 2 the Employee may make a formal written complaint.

The formal complain must be in writing outlining the subject of their grievance, the steps taken to date and why they have not been satisfied with the response.

A formal complaint will be investigated by Franchisee / Manager / representative of the National Support Office promptly and impartially. Where appropriate this will be in conjunction with the Manager/Franchisee.

The standard procedure for formal complaint investigation is as follows:

1. On receiving the complaint, it should be discussed with the complainant, confirm the details and document the information;
2. A meeting is to be arranged with the respondent and other persons if appropriate (e.g. the respondent's Manager) and inform them of the complaint;
3. The respondent will be given the opportunity to respond to the complaint and may have another person present at all meetings to act as a support person; and
4. Generally, the parties involved, the appropriate Managers and any witnesses, will be interviewed and any other relevant information gathered. At the conclusion of the investigation a decision will be made by the company about what, if any, action will be taken regarding the grievance. The Employee will be advised of this decision as soon as possible. Generally it is expected that the investigation will be completed and a decision made within five (5) days of the grievance being raised at the formal complaint stage. Where this is not practicable a progress report will be provided.

Any person making a complaint or providing information about a complaint will not be victimised. Any Employee who contravenes this policy will be disciplined.

The aim at this level is once again to explore the situation and find a resolution, as far as possible by agreement.

All related documentation and a file notes will be kept. This will be an outline of the issues, a summary of the discussion, outcomes and action taken. All interviews conducted during the course of the investigation will be documented.

If the action of either the complainant or the respondent is found to be malicious, the person concerned may be disciplined. This may include, but is not limited to, dismissal, demotion, transfer or loss of privilege.

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Step 4 - Review by CEO and Compliance & Human Resources Manager

If the grievance has not been satisfactorily resolved by this stage, the matter may be reviewed by the CEO in line with the Compliance & Human Resources Manager and Business Development Manager, depending on the nature of the complaint.

All previous documentation regarding the grievance should be passed to the relevant people giving them the opportunity to review the facts. Communication will be instigated with the Employee, the matter will be considered, and decision presented with an explanation to the Employee. This may be either verbally or in writing.

Step 5 - Follow up

Regardless of the level at which the grievance was resolved, the Employee's Manager/Franchisee should follow up the outcome of the grievance with the Employee. The Manager/Franchisee will (unless it is inappropriate) be responsible for ensuring that all remedial action is implemented.

Guidelines for conducting a Grievance Discussion

Remember

- Don't take the grievance personally.
- Deal with the problem not the person.
- Grievances are not necessarily bad and can have positive outcomes for the organisation.
- Don't argue - it achieves nothing.
- Don't promise anything you can't deliver.
- If you find out you were wrong, admit it and move on to achieving a resolution.

Ensure You:

- Set aside enough time to allow for a full discussion and investigation.
- Will not get interrupted during your discussion.
- Have plenty of notepaper and a pen for taking notes throughout the discussion.

Discussion:

Confine the discussion to the problem, avoiding side issues. Ask questions, ensuring that all of the relevant information is gathered and make notes.

- Listen carefully.
- Contain emotions.
- Avoid personal criticism.
- Keep an open mind.

Suggested Questions to use when gathering the facts:

Always isolate facts from opinions or assumptions. You need to be clear about the information you are gathering.

- What happened / what's wrong?
- When did it happen?
- Who was involved?
- How did it happen?
- Why is this causing you a problem?
- Why aren't you happy with the outcomes to date?
- What outcome do you want?

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At the end of the discussions

- Explain what actions are to be taken next.
- Set a date for a follow-up meeting.
- Complete notes on the discussion for filing.

How to deal with an approach from an aggrieved Employee or colleague:

If you are approached by someone who believes that you have been discriminating against them, and/or harassing them you should:

- Listen to their Grievance

Listen carefully to their comments and attempt to understand their point of view. Do not laugh off their approach. The problem may be simply a misunderstanding; however, what you consider to be a bit of fun may have serious consequences.

- Cease the Behaviour

Regardless of your opinion of the behaviour, or of their reaction to it, you should cease the behaviour, which they find offensive immediately.

Important Note:

You are encouraged to inform Fernwood Womens Health Clubs of any conduct or behaviour which may breach our policies, either on your own behalf, where you have witnessed such conduct directed at others, or in the general workplace.

Fernwood Womens Health Clubs are bound by Privacy legislation, this is important where Employees are wishing to discuss employment conditions or concerns these can only be discussed with the Employee directly – if the Employee wishes to provide a third party with authority to discuss employment matters they must do so in writing. The only exception is where the Employee is under the age of 18.

To ensure we obtain the most effective results with regard to resolving grievances, and assisting with solutions, we strongly encourage you NOT to submit anonymous complaints – for investigation purposes these cannot be dealt with effectively – and please be prepared to share the name of the club/employer.

Where no resolution has been reached through the above process you are entitled to contact relevant external parties, such as the Equal Opportunity Commission or Workplace Ombudsman in your state for further assistance.