



SERVICE STANDARD 1.1.3 GRIEVANCES

ITEM	DESCRIPTION
Policy Title	Grievances
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SOPs	> SOP 1.1.3 – 1 Grievance Procedure
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1 Purpose

- 1.1 The purpose of this service standard is to ensure there is a procedure in place where genuine problems, concerns and complaints of all members of the NSW RFS are successfully addressed and resolved within the NSW RFS.
- 1.2 This service standard aims to meet the sometimes complex challenges involved in resolving grievances. It allows for a broad range of outcomes which balance the needs of the NSW RFS and its members and which contributes to the achievement of a positive environment.
- 1.3 This service standard strongly promotes that grievances are resolved promptly, impartially and justly. It provides comprehensive advice and guidance on the management of grievances within the NSW RFS.

2 Policy

- 2.1 All members of the NSW RFS are entitled to express a grievance and have that issue or concern examined and resolved.
- 2.2 All grievances brought to the attention of a member's next in charge must be investigated. Resolution is sought which is most satisfactory to all parties concerned and is consistent with any legislative, service standard and, when applicable, requirements of the *Crown Employees (Rural Fire Service) Award 2012* ("the Award").
- 2.3 NSW RFS members who have supervisory responsibility are expected to play a proactive role in grievance resolution. They also have an obligation to identify and resolve, as far as possible and practicable, the grievance at the lowest possible level.

- 2.4 Members with managerial responsibility have delegated authority as established by this service standard to work towards the resolution of grievances.
- 2.5 For some grievances it may be essential that additional corrective action be undertaken. This could include change in policy or systems to ensure that the grievance does not reoccur. Grievances involving allegations of serious breaches of discipline, such as misconduct, criminal charge or corrupt conduct as defined in the *Government Sector Employment Act 2013* ("GSE Act"), or which have industrial or policy implications for the NSW RFS as a whole, should be referred to senior management in the first instance. This is the responsibility of the person charged with management responsibility at all levels from brigade to headquarters.
- 2.6 Grievances are to be dealt with in a confidential manner, except for inquiries related to gathering information to resolve the matter. Information provided by the participants involved in grievance proceedings is subject to the *SS 1.1.14 Personal Information and Privacy*. Participants must give prior approval for information about them to be provided to another person, including the other party to the grievance. If they fail to give such approval, the consequence may be that the grievance cannot be resolved. Managers who seek to resolve grievances using these procedures must also comply with the *SS 1.1.14 Personal Information and Privacy*.
- 2.7 It is sometimes alleged that a respondent behaved in an unacceptable or inappropriate manner, causing the grievance. It is important to protect this member's rights, for example the respondent needs to be informed of the alleged grievance and be given a right of reply. The principles of natural justice (which is also referred to as procedural fairness) must be adhered to throughout. This includes matters being heard by an unbiased person and having the right to an independent person of their choice present as an observer at any interview with management. Parties are also given the right to have a decision made by an unbiased or disinterested decision maker and the right to have that decision based on relevant evidence. In addition, the NSW RFS values which include mutual respect, integrity and trust, support and friendship, and acceptance of differences underpin how we act towards each other and our decision making
- 2.8 It is important that all members treat the grievance process with understanding and empathy. The next in charge must understand that a grievance is of real concern to the grievant. Regardless of whether the next in charge agrees with the importance or severity of the issue, the grievance must be acknowledged as serious and worth due process. All members must feel confident to come forward if they have a cause for grievance. The NSW RFS believes that its members can have their concerns acknowledged as worthy of a fair hearing and if possible, correction action. No member must feel they will be talked out of taking an issue further, or that by complaining, will be singled out in any way. The NSW RFS is committed to fair and equitable treatment of its members.
- 2.8.1 A vexatious claim is a grievance reported with no reasonable cause. Vexatious claims include but are not limited to those that are:
- a. malicious, that is, made for the express purpose of harming the respondent;
 - b. raised to annoy or harass the respondent;
 - c. lacking in substance;
 - d. frivolous, that is, related to matters so petty as to not warrant resources to be expended in investigating them.

A member who lodges a grievance that is found to be vexatious, malicious or substantially frivolous or reported only to annoy or harass the respondent will be in breach of Service Standard 1.1.7 Code of Conduct and Ethics and may be subject to disciplinary action.

- 2.9 Documents relating to grievances should be stored, accessed and retained as follows:
- 2.9.1 **Storage** - documents relating to grievances should be kept in a safe manner and located in a locked storage unit.
 - 2.9.2 **Access** - access to documents relating to grievances should only be granted to members authorised to manage and resolve grievances under this service standard.
 - 2.9.3 **Retention** - records relating to formal grievances raised by a member which are precedent setting cases and have resulted in significant change to agency procedure. Retain for a minimum of ten (10) years after action completed, then destroy.
 - 2.9.4 Records relating to all other formal grievances raised by a member should be retained for a minimum of five (5) years after action completed, then destroy.
 - 2.9.5 Records relating to grievances that were raised informally and not proceeded with should be retained for a minimum of one (1) year after action completed, then destroy.
- 2.10 If a member who has a grievance wishes to be represented by a legal representative, the matter will NOT be dealt with under this service standard.
- 2.11 The use of the Grievance Service Standard can result in a recommendation that the NSW RFS take action in accordance with Service Standard 1.1.2 Discipline.
- 2.12 However, disciplinary processes are not part of the system to deal with members' concerns and grievances and any grievance procedures should only deal with matters raised by an individual member.
- 2.13 The discipline processes should only deal with performance or conduct matters identified by the NSW RFS.

3 Related documents

- > [Service Standard 1.1.2 Discipline](#)
- > [Service Standard 1.1.14 Personal Information and Privacy](#)
- > [Service Standard 1.1.7 Code of Conduct and Ethics](#)
- > [Service Standard 7.1.1 Chaplaincy](#)
- > [Rural Fires Act, 1997](#)
- > [Disability Discrimination Act, 1992](#)
- > [Government Sector Employment Act 2013](#)
- > [Government Sector Employment Regulations 2014](#)
- > [Government Sector Employment Rules 2014](#)
- > [Local Government Act, 1993](#)
- > [Anti Discrimination Act, 1977](#)
- > [Ombudsman's Act, 1974](#)
- > [NSW Industrial Relations Act, 1996](#)
- > [Protected Disclosures Act, 1994](#)
- > [Equal Opportunity Act, 1984](#)
- > [Sex Discrimination Act, 1984](#)
- > [Crimes Act, 1900](#)
- > [Privacy and Personal Information Protection Act, 1998](#)
- > [Work, Health and Safety Act, 2011](#)

4 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
1 September 1999	1.0	Initial Release
5 October 2001 & 23 July 2003	1.1	Amendments to clauses 2.6, 2.8, 2.9.9 Steps 3 & 5, 2.89.10(a), 2.9.11(e), 2.9.12, 5, 6, 7, Appendix 1 Charts A & B and Amendments to Appendix 2.
3 October 2008	2.0	Complete review and new guidelines
2 December 2014	2.1	Administrative amendments

APPENDIX A

DEFINITIONS OF COMMONLY USED TERMS

The following are definitions of terms related to the management of grievances:

TERM	DEFINITION
Act	means the Rural Fires Act (NSW) 1997
Arbiter	is a body or individual authorised to judge or deliver judgment concerning a grievance
Documentation	of a grievance will comprise copies of the grievance and response. It should summarise the actions taken to resolve the matter and include details such as – dates, times, location and the names of the relevant parties
Bullying	includes persistent behaviour that is offensive, abusive, intimidating, malicious or insulting, or makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self confidence and which may result in them experiencing undue stress
Conflict of Interest	is a situation where a member could be influenced, or could be perceived to be influenced by, a personal interest in carrying out their public duty
External Authority	is a body, organisation or individual not within the Service who is consulted regarding resolution of a grievance
Grievance	is a cause for complaint that is of real concern to the person making it. Grievances can concern the interpretation and application of legislation, service standard, policy, SOP or other relevant documentation, a communication or interpersonal conflict, an OH&S issue or an allegation of discrimination, harassment or bullying
Grievant	is the person who has the grievance
Grievance Receiver	is the person who takes responsibility for responding to and managing the grievance
Harassment	is behaviour, which is demeaning to another person, leaving them feeling humiliated, offended or intimidated. It is not welcomed and not reciprocated, but often due to fear is not objected to at the time. Can also include offensive, abusive, belittling and threatening behaviour which is directed at an individual or a group because of a real or perceived attribute or difference.
Impartiality	is objectivity and lack of prejudice concerning the issues raised in the grievance or towards the grievant and/or respondent
Mediation	is a process of negotiation or intervention taken by an individual or body not directly involved with the grievance, intended to reach resolution – this could be through an external authority
Natural Justice	(or procedural fairness) is when both parties are given the right to reply and are advised of the full nature of the accusations and issues raised in the grievance. Parties are also given the right to have a decision made by an unbiased or disinterested decision maker and the right to have that decision based on relevant evidence.
Next in Charge	is the supervisor or manager directly in charge of a RFS member eg. for a volunteer this would be a captain or group captain; for a district manager regional manager; for a regional manager this would be the director regional services
Respondent	is any person against whom a grievance is brought for example if the grievance is about harassment, the alleged harasser is the respondent
Sexual Harassment	is verbal or physical behaviour, which is sexual, gender or sex-based and unwanted, unacceptable and offensive.
Third Party	is a body or individual not directly involved in the grievance that is consulted for impartial mediation or advice
Vexatious Claim	is a grievance reported with no reasonable cause
Workplace	is the environment in which RFS work or duty is undertaken

APPENDIX B

RESPONSIBILITIES OF ALL MEMBERS OF THE NSW RFS

All members have responsibilities for implementing this service standard. Responsibilities will vary according to the role members have under the grievance procedures, which are outlined in the table below:

MEMBER	RESPONSIBILITIES
All Members	<ul style="list-style-type: none"> > Raise issue straightaway. > Raise issue informally and verbally at local level and endeavour to resolve it themselves with other party. > If issue not resolved raise issue either orally or in writing with the next level of management. > To respect the Grievance Procedure and follow the processes. > Be ethical in using the Grievance Procedure and only use procedure if genuinely aggrieved and do not use procedure for another agenda. > Provide sufficient information about the grievance they hold including information to clarify the facts of the matter. > Attend any meeting organised to resolve the grievance. > Work together with other members to resolve grievance. > Comply with the Code of Conduct and treat other members with dignity and respect. > Think carefully about their behaviour and how it may impact on others. > Maintain confidentiality about information relating to grievances and grievance investigations. > Not victimising other members for raising grievances.
Commissioner	<ul style="list-style-type: none"> > Ensure there is an effective, timely, impartial and just system for dealing with member's grievances. > Receive and manage any appeals or delegate authority to another member.
Executive Directors	<ul style="list-style-type: none"> > Ensure people who deal with grievances are adequately trained and supported.
Investigators (can include other internal NSW RFS members or external representatives)	<ul style="list-style-type: none"> > Conduct investigation in accordance with scope and requirements. > Prepare Report with findings and recommendations.
Managers of Volunteers & Staff	<ul style="list-style-type: none"> > Adopt management practices that prevent and eliminate grievances. Practices will include sound communication and open and transparent decision making processes. > Ensure access to the Grievance Service Standard and encourage understanding. > Provide timely and confidential assistance to members. > Resolve grievances in accordance with the Service Standard. > Lead and coach other members to resolve grievances at a local level, where appropriate. > Keep the grievant and any respondent informed of progress in resolving the grievance. > Monitor the outcome of the grievance and following up with members.
Mediators (can include other internal NSW RFS members or external representatives)	<ul style="list-style-type: none"> > Conduct mediation between parties to achieve a resolution. > Prepare Report which outlines outcome and recommendations for any future action.
Respondent	<ul style="list-style-type: none"> > Respond to grievance in a professional manner. > Reflect on the grievance and be honest if any aspect of their behaviour may have impacted on another person.

SOP 1.1.3 – 1 GRIEVANCE PROCEDURE

1 Purpose

1.1 This SOP sets out the procedure to be followed by any party when involved in a grievance.

2 Procedures

2.1 Stage 1

Member identified the grievance and determines which option is best to deal with the grievance.

Option	Description
A. <i>Raise with individual informally</i>	If grievance is about another member try and resolve it at the local level with the other individual. If the option is used the concern can be raised verbally and there is no need to document the grievance.
B. <i>Raise with first level of supervision / management</i>	Raise grievance with the next in charge level of local management – i.e. a supervisor or Brigade Captain. If this option is used the grievance can be raised verbally and there is no need to document the grievance. However, a member can record and submit their grievance in writing if they prefer.
C. <i>Raise with next level of management</i>	If it would be inappropriate for the next in charge level of local management to deal with the grievance it should be referred to the next level of management. This is the best option if the grievance concerns that person or you do not feel comfortable about approaching them because of the nature of the grievance, an example would be a complaint of sexual harassment. The grievance can also be made in writing.

2.2 Stage 2

The grievance receiver takes action to manage and resolve the grievance in accordance with the SOPs.

2.3 Stage 3

If the grievance is not resolved at Stage 2 it can be referred to the next in charge level of management. The grievance should be referred in writing.

2.4 Stage 4

The grievance receiver takes action to manage and resolve the grievance in accordance with SOPs. The outcome of the grievance should be clearly documented and formal advice on the outcome conveyed to all parties.

2.5 Stage 5

If the grievant or respondent does not accept the outcome they can lodge an appeal against the outcome. An appeal can be made to a higher level of management within the NSW RFS including the Commissioner.

Once the appeal is conducted the matter will be regarded as finalised.

2.6 Timeframes

The grievance receiver should acknowledge receipt of a grievance within one (1) week and they should establish and communicate the expected timeframes for when any activities will be completed and when the grievance will be resolved. At all times the grievance receiver should keep all parties informed and they should resolve the grievance within a reasonable period of time.

2.7 External Party

At any time the grievance receiver may elect to assign the grievance to another party to manage and resolve, to mediate or to conduct an investigation. If this action is taken the grievant/s and any respondent/s need to be informed and advised of the reasons why this approach has been taken.

2.8 Monitoring and Follow-Up Action

After a grievance has been resolved it is essential that the grievance receiver who resolved the grievance monitor the situation and follow up with members to ensure outcomes are implemented and issues do not reoccur.

2.9 Flowchart of Procedure

RESPONSIBILITY	PROCESS	NOTES
1. RFS Member	<p>STAGE 1</p> <p>Member raises grievance with:</p> <ul style="list-style-type: none"> (a) other member; or (b) the first level of supervision/management; or (c) the next level of management. <p>Grievance can be raised verbally or in writing.</p>	<p>Member should make themselves familiar with SS 1.1.3 Grievances, especially the <i>Guidelines for a Person with a Grievance</i></p> <p>If a grievance is raised with other member (option A), the respondent should make themselves familiar with the <i>Guidelines for Respondents</i></p>
2. The Grievance Receiver	<p>STAGE 2</p> <p>Action to manage and resolve the grievance in accordance with SOPs taken by grievance receiver</p>	<p>Grievance receiver should:</p> <ul style="list-style-type: none"> (a) make themselves familiar with SS 1.1.3 Grievances, especially the <i>Guidelines for Supervisors and Managers</i> (b) acknowledge receipt within 1 week and at all times communicate timeframes and progress (c) if grievance resolved, undertake monitoring and follow up action afterwards
3. Next in Charge Level of Management	<p>STAGE 3</p> <p>If not resolved at stages 1 or 2, grievance is referred in writing to next in charge level of management</p>	As above
4. The Grievance Receiver	<p>STAGE 4</p> <p>Action to manage and resolve the grievance in accordance with SOP taken by grievance receiver</p>	As above
5. Grievant or Respondent	<p>STAGE 5</p> <p>If either party does not accept outcome, they can lodge appeal to higher level of management within the NSW RFS including the Commissioner.</p> <p>Appeal is conducted and once completed grievance is finalised.</p>	As above