

NOTE: For the purpose of this policy the term “The Company” refers to Toowoomba Regional Group Apprenticeship Company Pty Limited, Downs Group Training and DGT

COMPLAINTS RESOLUTION POLICY

The aim of this policy is to outline the procedures The Company will follow to review and resolve any complaint, academic appeal, concern, problem, dispute, objection, disagreement, or similar matter regarding service, operational procedures or personnel.

It is not intended that all workplace complaints will be the subject of these procedures; they are intended for use where the aggrieved person has not been able to satisfactorily resolve the complaint by raising the matter, attempting to understand the alternative points of view and fully discussing their perspective with the relevant parties.

This policy applies to all employees of The Company, participants in Special Programs and participants undertaking courses/training **but** will not interfere with the requirements of the various industrial awards.

The procedures are intended to ensure the internal mechanisms for complaint resolution are easily accessible for all parties, to resolve complaints without delay, in an effective, conciliatory, non-discriminating or threatening manner and to prevent personal conflicts from negatively influencing work outcomes.

All complaints will be dealt with in a supportive environment without victimisation or intimidation of anyone connected with the complaint either during, or subsequent to, a complaint resolution procedure.

The Company’s approach to complaint resolution emphasises:

- fairness and impartiality
- conciliation (if applicable)
- **the principles of natural justice and procedural fairness**
- resolution of complaints as early as possible
- the role of supervisors in seeking to resolve complaints and prevent reoccurrences.

The Principles of Natural Justice and Procedural Fairness are based on fairness, transparency, equality before the law, freedom from bias and the right to be heard. (Australian Law Dictionary)

Definitions:

‘complaint’ is an expression of dissatisfaction that may arise from any decision, act or omission by any persons or process which is considered wrong, mistaken, unjust or discriminatory, and is causing concern or distress to an individual/s (a formal expression of a grievance is a complaint).

‘academic appeal’ involves matters of concern to a student relating to training delivery and assessment; the quality of the training; student support and materials. (Ref OP-004 Academic Appeals Process).

‘negotiations’ involves active discussion between two or more parties, with competing or conflicting interests or needs, working towards an agreement on how they will resolve the complaint issue.

‘mediator’ is a person who is agreed upon by all parties to control and direct the process not the content.

‘conciliation’ a process used to resolve issues.

All proceedings and materials related to complaint resolutions cases are confidential and private, and will be maintained securely by The Company and parties involved.

When dealing with a complaint any breaches of confidentiality, careless or otherwise, on the part of any employee may result in that employee being subject to disciplinary action by the Chief Executive Officer.

It is recognised all parties have the right to consult with the relevant Industrial Union Representative/s or mediator at any stage during the course of this procedure.

- In the first instance, the aggrieved person shall attempt to resolve the complaint with the appropriate supervisor or delegated representative of management. If the complaint is with a Supervisor, the aggrieved person shall refer the complaint to the delegated representative of Management.
- If the complaint is still unresolved within twenty-four (24) hours, the matter will be referred to the Chief Executive Officer. The aggrieved person's union representative may be involved if this right is exercised.
- If the complaint is still unresolved, relevant union representative/s and/or the mediator shall be advised and a meeting of all parties arranged. It is agreed that these steps will take place, whenever possible within three working days of a complaint being raised.
- If the matter is still unresolved, it may be submitted by either the aggrieved person or their representative, or The Company's representative to the Fair Work Commission, Department of Education and Training (QLD) or Department of Education and Communities (NSW) (if applicable).

Except in the instance of a genuine safety issue, until the complaint is resolved, work shall continue normally in accordance with the custom and practice existing before the complaint arose while negotiations take place. No party shall be prejudiced as to the final settlement by the continuance of work.

Any Order of the Fair Work Commission or Office of Industrial Relations (NSW) (subject to the parties' right of appeal under the Acts) will be final and binding on all parties to the dispute.

Related Legislation (includes but is not limited to)

- Australian Human Rights Commission Act
- Industrial Relations (QLD and NSW)
- Queensland Anti-Discrimination Act
- NSW Anti-Discrimination Act
- Prevention of Workplace Harassment Advisory Standards
- The Federal Sex Discrimination Act
- Privacy Act
- Relevant Industrial Agreement
- Workplace Gender Equality Act (Cth)
- Fair Work Act

Resources/Links

- Australian Human Rights Commission Ph: (02) 9284 9600 Complaints infoline: 1300 656 419
- Queensland Ombudsman Ph: 0730057000 Free call: 1800068908
- NSW Ombudsman Ph: 02 9286 1000 Toll free (outside Sydney metro): 1800 451 524