

## FRAMEWORK FOR RESOLVING GRIEVANCES INVOLVING MEMBERS

### PURPOSE

The Victorian Farmers Federation (the Federation) aims to create and maintain an environment in which its elected officials, members can work together to achieve the Federation's aims of farmers and the agriculture sector in Victoria. As an important part of this, the Federation aims to prevent discrimination, harassment and bullying throughout the organisation and create an accessible and effective means of resolving any grievances that do arise.

The Federation aims to treat all grievances seriously, and to deal with them quickly and as fairly and confidentially as is reasonably possible. This should help to create and maintain the culture that we want, and will also help to ensure the Federation meets the legal obligations that it has under discrimination and work health and safety legislation.

This document provides a framework for the processes that are to be used if a Member or elected officer raises a grievance against another member. The Federation has a separate, and similar, framework for resolving grievances involving staff.

This framework has been established by the VFF Board. The framework is not intended to be definitive, or prescriptive. Instead, it describes some options and processes which may be used to resolve grievances involving members. These processes may be applied flexibly to suit particular circumstances, and other processes may be used instead. The Board, represented by the Grievance Committee (see below) has, subject to the constitution, an absolute discretion as to how the Federation will deal with a particular grievance.

This document should be read in conjunction with the Member Code of Conduct.

Councillors and other Members of Committees will be asked to sign a statement that they understand and accept the provisions of this document and the Code of Conduct. At the first meeting each year of Councils and Committees, the Chairs should reinforce the Federation's policy.

All members are required to comply with the Constitution of the Federation and the relevant Codes and Policies of the Federation.

### **What should you do if you have a grievance?**

If you think you are being treated unfairly or inappropriately in any way – including if you think that you have been unlawfully discriminated against, harassed, vilified or bullied – you should ask the person responsible for the conduct to stop as soon as possible. If you do not feel that you can do this, or it doesn't work, or the person repeats the behaviour, you should report the grievance as set out below.

If you are concerned that someone else at the Federation is being treated unfairly or inappropriately, you should treat the issue the same way – if you can, raise the issue with the person responsible for the conduct, or otherwise report the grievance to the Federation as set out below.

The Board in itself can commence a grievance process if it is of the view that a member has acted in a way that is unfair, inappropriate or risks bringing the Federation into disrepute.

The Federation aims to treat all grievances with appropriate confidentiality. Accordingly, in most circumstances the grievance resolution process will be managed by a Grievance Panel consisting of the Federation President, the Vice President and the independent director nominated by the Board. Where the Panel believes appropriate, or the grievance involves a member of the panel, other Board members or external advisors may be involved.

### **Reporting a grievance**

Any grievance should initially be reported to the Chief Executive Officer of the Federation (**CEO**) in writing. The CEO will inform the other members of the grievance panel. The role of the CEO is to act as the secretariat for the Panel.

If the grievance involves:

- the CEO; then the grievance should initially be reported to the President ;
- the President; then the CEO will involve the Vice President; or
- any two, or all three, of the CEO, the President and Vice President; the grievance should initially be reported to independent Director of the Panel who will consult with members of the Board not involved in the grievance to establish an interim panel. This interim panel may include external advisors.

If, given the nature of the grievance and the parties involved, a member of the Grievance panel considers they have a conflict of interest then the other member of the Grievance Panel may appoint another member of the Board in their place.

In all circumstances, the Grievance Panel should report any formal findings it (or an external party the Federation engages for the purpose) makes to the Board. The Board will have the final say on the formal action/s, if any, that the Federation will take as a result of the grievance.

### **Confidentiality**

The Federation will make the utmost effort to keep any grievance which is reported to it as confidential as reasonably possible.

Members must be careful with whom they discuss a grievance. It is very easy for rumours to spread, and this can impact adversely on everyone involved.

Any person who has raised a grievance, is the subject of a grievance, is involved in an investigation as a witness to a grievance or otherwise knows of the grievance must at all times, unless required as part of an investigation, keep confidential all matters relating to the grievance including:

- the fact that a grievance has been raised;
- the name of the person raising the grievance (**Complainant**);
- the name of the person/s who is the subject of the grievance (**Respondent**);
- the name of any witness/es to the grievance;
- the nature of the grievance; and
- any findings or other decisions of the Grievance Committee.



This confidentiality obligation does not preclude:

- a member initially discussing his or her grievance in confidence with another person within the Federation or an external advisor, as part of deciding whether to raise the grievance.
- any matter relating to a grievance being disclosed to the Board;
- the Board discussing a grievance to determine any appropriate formal action to be taken;
- the Grievance Panel disclosing any grievance for the purpose of an investigation or to seek legal advice;
- the Grievance Panel disclosing any disciplinary sanction taken by the Board as a result of a grievance; and/or
- any person disclosing any matter relating to a grievance if required to do so by law or in the context of legal proceedings.

Notwithstanding anything set out above, the Board has the right to waive, in part or in whole, the above confidentiality obligations if it considers it is in the interests of the Federation to do so.

Willful breach of the above confidentiality obligations with respect to a grievance will constitute a breach of the Code of Conduct.

#### **Procedure once the Grievance has been raised**

After a grievance is raised, the Grievance Panel will initially speak to the Complainant with a view to establishing the basis and details of the grievance. The complainant will be required to provide written details of the complaint specifying concisely the allegations made. Once this is done, the members of the Panel will decide how the grievance will be managed.

As a first step, the Grievance Panel will generally consider whether the grievance is sufficiently serious that Federation should potentially take interim action against any Member. If the Grievance Panel considers that this is appropriate, the Grievance Panel will report the grievance to the Board with a recommendation on actions to be taken. The Board is to consider these recommendations but is not bound by them in determining actions it might take.

There are different options for resolving grievances.

The Panel has discretion as to whether the Federation will:

- accept and/or engage in any grievance resolution process concerning a grievance;
- engage in a formal or informal process; and/or
- engage external specialist advisors to assist it to resolve a grievance within either the formal or informal process. This might include, for example, engaging an advisor to investigate the grievance and make findings of fact and/or law, an advisor to conciliate or mediate between the parties or an advisor to provide legal advice.

The grievance shall be dealt with in a timely manner.

#### **Informal resolution**

Informal resolution shall be the preferred option where the Grievance Panel is satisfied there are reasonable prospects of resolution by informal process and the conditions for formal resolution are



unlikely to apply. This approach would apply where the grievance is of a relatively minor nature such as rudeness, personality clashes, name calling etc.

Informal resolution is what happens when the people involved resolve the issues between themselves. This may involve all or one of the following:

- discussions;
- an exchange of correspondence; and/or
- a mediated meeting between the parties involved to see if the issues can be resolved between them.

Informal resolution will not require the Federation to conduct an investigation or make a formal decision about what has happened, or what the consequences of the grievance should be. However, the Grievance Panel may help the parties with discussions or other communications, or give guidance about appropriate next steps. It may also bring in an external mediator to assist the parties to resolve their issues.

### **Formal resolution**

Formal resolution processes will generally be used in instances of serious misconduct or conflict between members. This would include breaches of the various VFF HR policies such as instances of Sexual Harassment, Bullying and Discrimination. A formal process would also apply where physical violence has been threatened or occurred, where personal safety has been seriously compromised or where there is an accusation of fraudulent or unlawful conduct.

In these matters it is appropriate for the Federation to:

- make a formal decision about what has happened; and/or
- make a decision about what the consequences (if any) of the grievance should be.

It involves a formal investigation and findings of fact on the balance of probabilities. It may also involve an opinion on the legal position based on findings of fact.

A formal resolution process may be suitable if the grievance is about a very serious issue; for example if it involves:

- a potential breach of discrimination, or work health and safety legislation;
- a serious breach of the Code of Conduct;
- a number of people; and/or
- very serious or complex issues.

Generally speaking, in a formal resolution process:

- the Panel will conduct an investigation which may include appointing an independent legal representative outside of the Federation to undertake this task.
- the Panel or the investigator will ask the Complainant to provide a written statement about the grievance, in detail. It is important for this statement to be specific, clear and comprehensive, so that all relevant issues can be considered;
- the Respondent will be given details of the allegation(s) against him/her and be given a reasonable opportunity to explain his/her side of the story;



- other people (witnesses) may be interviewed;
- notes will be taken of interviews and documents may be collected;
- after considering the evidence, the investigator will make a finding in writing about the grievance on the balance of probabilities; and

There may be circumstances in which some of the steps outlined above are not appropriate and the Board will determine, in its absolute discretion on a case by case basis, the most appropriate method of handling the complaint.

### **Mediation**

At any point in the process of resolving a grievance, whether informally or formally, the Board may request the parties attend mediation.

### **Outcomes**

The outcome of both types of grievance process may be:

- a compromise between the parties involved about the issues raised;
- a solution in which both parties benefit to some extent;
- a decision that a grievance is substantiated or unsubstantiated ;
- a decision that one of the parties has breached the Code of Conduct or another of the Federation's policies;
- Referral to police if there is a probability of unlawful conduct.
- a public statement by the Federation; and/or
- no action being taken.

Whatever the process used, the Federation will keep a record of the grievance and the outcome.

If it is established that a breach of the Code of Conduct or another of the Federation's policies has occurred, or if a party has otherwise acted inappropriately, the Grievance Panel may recommend to the board that action against that party which may include asking him or her to do one or more of the following:

- apologise to the person who made the grievance; and/or
- if appropriate, apologise to other Members who may have been offended by the Member's actions that led to the grievance being made; and/or
- attend training on discrimination, harassment and/or bullying. Or other relevant training program.

If the inappropriate behavior is particularly serious, or the person refuses to follow the Board's direction, particularly if the complaint involves allegations of discrimination, harassment, vilification



or bullying or other inappropriate behaviour, then the Board on behalf of the Federation may take whatever action it considers appropriate, including terminating the member's membership.

### **Appeal**

A Member subject to sanction shall have the right to appear before the Board to render the Member's personal explanation or have delivered to the Board an explanation in writing. The Board will consider the evidence brought forward by the member and may amend or reaffirm its original decision.

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