

Grievance Processes and Disciplinary Policy for Members

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2.1 WIRES Code of Conduct

Policy Adopted 11 November 2006, reviewed and amended 29/11/2008 adopted by Council 13 December 2008.

All WIRES Members are required to:

- 2.1.1 Behave honestly and with integrity in the course of all WIRES activities;
- 2.1.2 Act with care and diligence in the course of all WIRES activities;
- 2.1.3 When acting in the course of Wires activities, shall act in accordance with the following harassment, bullying and discrimination policy which sets out the relevant definitions, underpinning principles and WIRES' commitment to eliminating harassment, bullying and unlawful discrimination within the organisation.
- 2.1.4 When acting in the course of all WIRES activities, comply with all applicable laws and NPWS/DECC licence conditions;
- 2.1.5 Comply with WIRES Constitution and all Policies & Procedures;
- 2.1.6 Comply with all reasonable direction given by someone in WIRES who has authority to give the direction; eg Branch Animal/Species Coordinators;
- 2.1.7 Maintain appropriate confidentiality and discretion about dealings with all other wildlife carers, whether they be WIRES or non-WIRES;
- 2.1.8 Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with WIRES activities and positions of office;
- 2.1.9 Use WIRES resources in a proper manner with due regard for the fact that they represent the expenditure of public money;
- 2.1.10 Not provide false or misleading information in response to a request for information that is made for official purposes in connection with the volunteers membership or activities;
- 2.1.11 Not make improper use of any position, duties, status, power of authority, in order to gain or seek to gain, a benefit or advantage for the member or for any other person;
- 2.1.12 At all times behave in a way that upholds WIRES' values, integrity and good reputation;
- 2.1.13 Not make any public statement on behalf of WIRES without the approval of the Branch Management Committee or WIRES State Council/Board;
- 2.1.14 Recognise that majority decisions of properly constituted WIRES Management Committees and Board are binding on all members under the jurisdiction of those Committees.

Addendum to WIRES Policies 2.1 WIRES Code of Conduct and 3.2 WIRES Volunteer Grievance Policy

Objectives

The harassment, bullying and discrimination addendum aims to create an environment free from harassment, bullying and unlawful discrimination leading to a productive and positive setting. To achieve this objective the WIRES Council will continue to:

- Implement effective procedures to manage complaints based on the principles of natural justice,
- Promote and expect appropriate standards of conduct at all times.

Preamble

The Council and the Board do not condone harassment, bullying or unlawful discrimination and value diversity within the membership. The following definitions apply to all members of WIRES, and will be treated as misconduct and dealt with under the relevant disciplinary and grievance policies.

These definitions apply in any context, including interactions between individual WIRES members.

It should be noted that any anti-social discriminatory behaviour, as covered below, may emanate from any member to any other member within the organisation.

Definitions

Harassment:

Harassment is defined as behaviour that is directed at an individual or group of members which, because of its severity and/or persistence, is likely to create a hostile or intimidating environment and detrimentally affect an individual's participation in the organisation.

Harassment is determined by reference to the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances where such behaviour could reasonably be considered to be offensive, humiliating or intimidating.

Sexual Harassment:

Sexual Harassment is any behaviour of a sexual nature, which is unwelcome. It may involve a single incident or a series of incidents. The Commonwealth Sex Discrimination Act 1984 and the NSW Anti-Discrimination Act 1977 declare sexual harassment to be unlawful.

Commonplace examples of sexual harassment include:

- Sexual or suggestive remarks;
- Sexual propositions or repeated requests for dates;
- Repeated questions about personal life;
- Sexual jokes;
- Physical contact such as touching, hugging, brushing up against a person;
- Offensive telephone calls, reading matter or objects, e-mails, screen savers etc;
- Suggestive looks or leers;

- Putting your hand or an object (like a pay slip or a pen) into someone's pocket (especially breast, hip or back pocket);
- The repetition of any other conduct of a sexual nature that causes a person discomfort after the person has told the harasser of their discomfort.

It is a person's right to object to behaviour which they consider falls into any of the categories above.

When identifying sexual harassment, the intent of the person whose behaviour caused offence is largely immaterial, as it is the effect of their behaviour that is relevant.

Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment

Bullying:

Bullying is defined as any on-going anti-social or unreasonable behaviour that offends, degrades, intimidates or humiliates a person, such as:

- Cruelty, belittlement or degradation,
- Public reprimand or behaviour intended to punish, such as isolation and exclusion from activities,
- Ridicule, insult or sarcasm,
- Trivialisation of views and opinions, or unsubstantiated allegations of misconduct,
- Physical violence such as pushing, shoving or throwing of objects.

Discrimination:

- A. Discrimination is where someone is treated less favourably because of their sex, age, race, disability, pregnancy or any of the other grounds covered by anti discrimination legislation. Discrimination can also occur when a requirement (or rule) that is the same for everyone has an effect or result that is, or is likely to, disadvantage members because of their sex, race, disability etc.

[NB: OH&S legislation and regulations are paramount]

- B. When acting in the course of WIRES activities, treat everyone, regardless of ethnicity, disability, sexual orientation, socio-economic circumstance, political or religious beliefs, with respect, courtesy and without any form of harassment whether real or implied (from 2.1 WIRES Code of Conduct).

3.2 WIRES Volunteer Grievance Policy

(Policies 3.2 & 3.3 now replace Policies 1.1 Animal Care Conflict and 3.5 General Conflict Policy)

Adopted by Council 26 June 2010

Introduction

To solve problems as they develop, WIRES Inc needs effective grievance handling procedures tailored to the needs of the organisation and its volunteers.

What is a "grievance"?

A grievance is a formal expression of dissatisfaction about a situation by one or more volunteers.

What is a "grievance procedure"?

Grievance procedures are formal and agreed procedures that an organisation and its members have agreed to follow to deal with or resolve problems which may occur from time to time within the organisation.

Grievance procedures are based on the principle of natural justice and it is recognised as good sense to have effective grievance procedures.

Features of a good grievance procedure

- Complaints must be specific and fully described by the person with the grievance;
- The person(s) should be given the full details of the allegation(s) against them;
- The person(s) against whom the grievance/complaint is made should have the opportunity and be given a reasonable time to put their side of the story before resolution is attempted;
- Proceedings should be conducted honestly, fairly and without bias;
- Proceedings should not be unduly delayed.

What is an effective grievance procedure?

An effective grievance procedure should allow the following outcomes:

- A peaceful method of conflict resolution to reduce discomfort and provide greater stability;
- Quick and effective results;
- Improved communications and relationships;
- Increased harmony and efficiency of the organisation;
- Resolution of problems according to the principles of confidentiality and fairness;
- Better emotional well-being, performance and morale of WIRES members;
- Avoidance of the costs and delays of ongoing conflict;
- Natural justice.

Handling Grievances

- Grievances should be dealt with promptly:

- Avoiding the matter creates anxiety;
- Initiate discussion quickly, investigate and double check all the facts.
- WIRES Office bearers should be accessible for assistance.
- Make sure volunteers understand the grievance procedure and how it works.
- Informality:
 - Discuss the issue in a non-threatening environment;
 - No-one should receive a printed form letter in response to a problem.
- Consistency:
 - Policies and procedures must apply equally to all volunteers.
- Admission of errors:
 - Anyone who has acted incorrectly or inappropriately should say so, and then attempt to fix the problem.
- Closure:
 - Once a response is decided upon, a full explanation should be given;
 - This allows the matter to be finalised.
- Learning from it:
 - Resolving grievances should give practical insights into dealing with such a situation (and possibly others) in the future.

Policy

Stages in the grievance procedure are:

1. In the first instance an informal attempt to resolve the grievance should be made between the persons involved.
2. If it cannot be settled informally it should then move to the following formal procedure:
 - a. A volunteer with a grievance notifies the Branch Executive (in writing) as to the substance of the grievance, requests a meeting, and states the remedy sought.
 - b. Discussion will follow between the volunteer and the Branch Executive as soon as possible, but in less than 30 days.
 - c. If the matter remains unresolved:
 - The volunteer with the grievance must notify the WIRES Board, in writing as soon as possible or within a maximum of 21 days, and may request mediation with the Community Justice Centre.
 - d. If the matter is still not resolved:
 - WIRES Board members will make final determination on the matter and provide actions to finalise the issue in writing to both the complainant, and any relevant branch officers.
 - e. If any parties remain dissatisfied with the decision of the Board, an appeal may be lodged with the Board within a maximum of 10 working days.
 - f. The Board may appoint a sub-committee to review the material and consider the merits of the appeal.

Appeals Procedure

On receipt of an appeal from a volunteer the Board must, within 28 days, appoint a sub-committee to hear the appeal within 60 days of receipt of the notice from the volunteer.

The appeal sub-committee must consist of no less than three members of the Association.

At the appeal hearing:

- the sub committee must abide by the Appeal Sub-Committee Terms of Reference and procedures;
- the parties must be given the opportunity to state their respective cases orally*, or in writing;
- the sub committee members present will vote by secret ballot on the question of whether the resolution should be confirmed or revoked;
- the sub committee's decision will be final.

* Where a volunteer is not confident to express his/her grievance in writing, they may seek assistance to do so, or may express their grievance verbally. The Branch Executive, Board or sub-committee should record this in writing, the transcript of which should be agreed to, and signed by all parties as an accurate record of the meeting.

Records must be kept by whichever party is concerned – if resolved at branch level, the records must be kept by the Branch Secretary; if resolved by the sub-committee/Board, then records must be kept by the Board Secretary.

Addendum to WIRES Policies 2.1 WIRES Code of Conduct and 3.2 WIRES Volunteer Grievance Policy

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[NB: OH&S legislation and regulations are paramount]

D. When acting in the course of WIRES activities, treat everyone, regardless of ethnicity, disability, sexual orientation, socio-economic circumstance, political or religious beliefs, with respect, courtesy and without any form of harassment whether real or implied (from 2.1 WIRES Code of Conduct).

Principles, Obligations and Responsibilities

A. Reports of (and in) a formal written complaints of harassment, bullying and unlawful discrimination will be treated seriously by the Board and Council and will be investigated promptly in a sensitive, thorough and confidential manner ensuring that complainants and witnesses are not victimised.

B. Before any decision is made, members have the right to be informed about the nature and content of the issue and have the right to be heard in line with the WIRES Constitution, and as per the current WIRES Grievance Policy.

C. All members have a role in ensuring that harassment, bullying and discrimination does not occur within the organisation and are expected to take prompt and appropriate action in circumstances where such behaviour is drawn to their attention.

D. The complaint resolution process is carried out in good faith and complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if a preliminary investigation of the facts indicates this.

When a complaint is brought forward by a member, it is the responsibility of the appropriate governing body* to ensure that no bullying or harassment is directed against the complainant, either directly or indirectly.

(*Branch, Standards Team, Council or Board)

Resolution Options

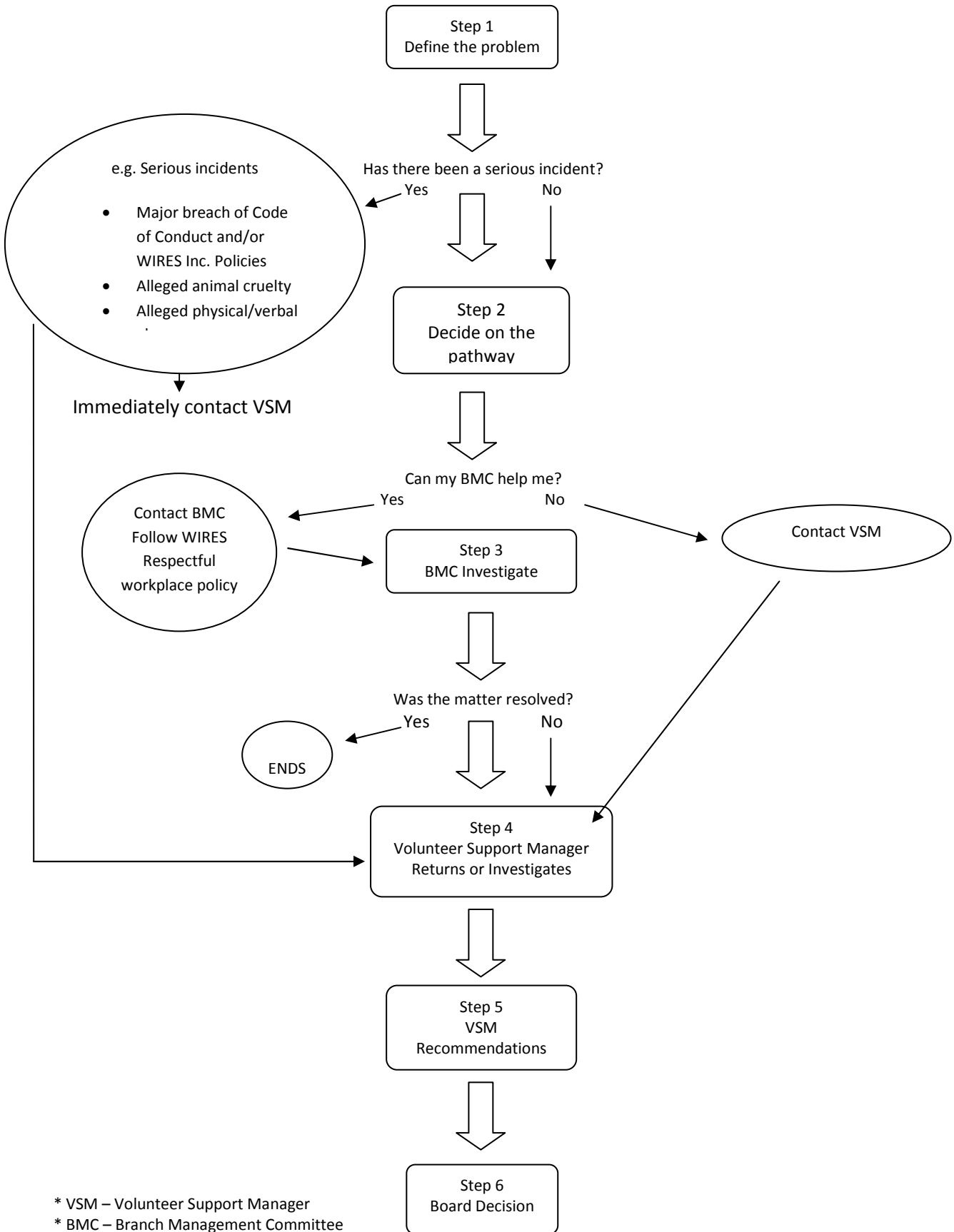
A. The Board and Council encourage members to endeavour to resolve issues directly and informally through a process of discussion and conciliation where possible. At any stage, strategies used to resolve a grievance may include, but need not be limited to, mediation, counselling or conciliation meetings between the parties.

B. If the informal options do not work or are not appropriate, Members can make a formal complaint in writing under the Grievance Policy.

C. In cases of assault or other criminal activity, members should contact the Police or appropriate government authority.

D. Depending upon the severity of the issue, any breach of the WIRES Code of Ethics, and/or Code of Conduct or Addendum to same, will result in temporary or permanent loss of members' authorisation.

WIRES Volunteer Grievance Process



* VSM – Volunteer Support Manager
* BMC – Branch Management Committee

WIRES Volunteer Grievance Handling Process

Note: Throughout this document, all reference to Member/s also refers to Volunteer/s and vice versa.

In all instances all Members/Branch Management Committees involved must follow WIRES Inc policy 3.2 *WIRES Volunteer Respectful Workplace Policy* first; if after following the process a resolution cannot be found the member or BMC should contact the Volunteer Support Manager (VSM).

Process for dealing with complaints and/or disputes

STEP 1. Define the Type of Problem – this will assist in resolving the problem as quickly and effectively as possible.

➤ Personality conflicts

- Personal conflict with another Member
 - Act and communicate straight away
 - Approach the member that you have a dispute with before it escalates
 - If you can't do this, approach a person with no personal connection to either party to mediate it as soon as possible, eg a BMC member, Branch Mediator, Volunteer Support for initial advice
- Species Coordinator / carer/rescuer conflict
 - If the problem is an animal care issue:
 - consider setting out changes in the care plan with:
 - set time frames
 - agreed outcomes
 - if non-compliance or no improvement, review the care plan and see if the issue can be resolved.
 - If the complaint is about a Species Coordinator:
 - contact the Branch Management Committee Executive, in the first instance.
 - The BMC Executive decides if the complaint is of a personal nature (see personality conflicts)
 - or regarding animal care
 - if an animal care issue it may need to be referred to the BMC

- or a specific Animal Management Team for guidance/clarification.
 - Member not following branch directions
 - Communicate – find out why
 - Attempt to resolve the issue
- Escalate the problem directly to the VSM if it is one of the following:
 - Serious/Significant Incidents
 - alleged animal cruelty
 - major breach of Code of Conduct and/or WIRES Inc Policies
 - alleged physical/verbal abuse

STEP 2 Decide on the pathway

- If a Member has a problem, decide who it will be discussed with:
 - the person concerned, or
 - Senior Coordinator, or Branch Grievance Officer, or
 - Member of the BMC (as available).
- If a conflict is with the Branch Management Committee, and
 - it's with more than one/or a number of BMC members, and/or
 - the complainant believes the matter would not receive a fair hearing
 - Refer to VSM for advice

Can the BMC help? Yes / No

If Yes, go to (a) if No go to (b)

- a) follow WIRES Policy 3.2 WIRES Respectful Workplace Policy Clauses 1-2 (a & b)
(Go to 3)

OR

- b) The incident is unable to be resolved by the BMC,
ie the Member and/or the BMC has exhausted all options [and has followed WIRES policies]

- **Refer the matter to the VSM**

VSM will review the BMC procedures and outcome

STEP 3 BMC Investigation

Follow WIRES Volunteer Respectful Workplace Policy - the primary responsibility is on Branches to resolve grievances and issues.

The Volunteer Support Manager's role **is not** designed to replace the Branch's function, but to assist the Board where the Member/Branch has made all attempts but been unable to resolve a matter, or is not in a position to handle the matter.

Was it resolved – Yes (ENDS)

No - refer the matter to VSM – (this fits in current policy 3.2 at (d) (1))

- Member/BMC provides all written documented information and the Branch's advice regarding any breach of WIRES Code of Conduct and/or WIRES Policies to VSM.

STEP 4 Volunteer Support Manager action

The VSM will assess the matter and determine:

- Will it be returned to the Member/Branch? If so, the VSM will provide advice on how to complete the matter
 - If returned to the Member/Branch, the Member/Branch should follow the advice provided.
- Will it become a matter for the VSM

If a matter for the VSM, the Volunteer Support Manager will:

- Investigate the matter
 - This may include (but not limited to)
 - external referral (NPWS, Police, RSPCA etc)
 - referral to a Management Team
 - further recommendations to Member/BMC
 - Referral to WIRES Board

STEP 5 VSM recommendations

- On completing the investigation the VSM will, refer the matter to the Board with recommendations.

STEP 6 Board decision

Board makes a decision (this fits current Policy 3.2 at (d) (2))

- Upon receipt of recommendations and reports from the Volunteer Support Manager 3 members of the board will review and assess the VSM's report and make a decision and the rest of the board will be asked to ratify that decision.

Volunteer Member/Branch Grievances Handling Process incorporating Volunteer Support

As of 16 September 2012 and by suggestion of WorkCover - the Role of Volunteer Support Manager (VSM) was delegated to a WIRES staff member under the provisions within the WIRES Constitution Clause 7 - Delegation of Powers 7.1 sub-clause (e). The board delegates to the role of Volunteer Support Manager the ability to advise WIRES volunteer members and Branch Management Committees (BMC) on conflict resolution and disputes between members, WHS matters and policy. The VSM is also empowered to make decisions and recommendations, to the board on outcomes. If the BMC or volunteer member needs assistance and/or guidance on the process the Volunteer Support Manager is the point of contact.

Paul Hayden has been appointed to that role; the board will no longer be handling any complaints or disputes.

The Volunteer Support Manager can be contacted via email Paul.Hayden@wires.org.au.

The Role of Volunteer Support Manager

The Volunteer Support Manager's role has been set up by the WIRES Board to assist with the resolution of disputes and to provide advice regarding policy and procedure. The Volunteer Support Manager is acting with the delegated authority of the Board.

Key duties:

- provide support and information to Members/Branches in regard to WIRES policies and procedures
 - provide Members/Branches information in regard to Work Health Safety responsibilities
 - provide Members/Branches an understanding of the WIRES Grievance procedure
 - investigate unresolvable complaints and provide support to Members/Branches during that process
 - work with the WIRES General Manager and Board to review policies and processes to ensure they provide a strong support system for Members and Branches
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3.3 WIRES Volunteer Disciplinary Policy

(Policies 3.2 & 3.3 now replace Policies 1.1 Animal Care Conflict and 3.5 General Conflict Policy)

Adopted by Council 26 June 2010

Introduction

WIRES volunteers who are performing or behaving unsatisfactorily will be assisted to understand the standards expected of them in relation to compliance with WIRES policies, procedures and conduct. (WIRES Policies and Code of Conduct are available on the Intranet under the Council tab.)

Where appropriate, initial direction and support will be provided by the relevant Coordinator and/or Branch Management Committee.

Where inappropriate behaviour or performance is not remedied through this process, warnings or disciplinary action may be necessary.

Policy

1. Directions may be given either in writing or orally. However confidential written records of all initial directions and support must be kept by the relevant Branch officers and Branch Secretary. The volunteer will be shown and given a copy of the written records and will have an opportunity to comment on their contents before these are filed. Each performance or behavioural issue will not be considered valid in excess of three years.
2. WIRES volunteers, whose performance or behaviour continues to be unsatisfactory, will be given a defined set of directions and time frame in which to improve their performance/behaviour, and informed of the consequences resulting from continued non-compliance. If at the end of this stated period the volunteer shows no improvement, a written warning will be issued.
 - This warning will inform the volunteer in writing that disciplinary action up to and including cancellation of authorisation/membership may be taken if the volunteer does not cease the unsatisfactory performance or behaviour immediately.
3. WIRES Inc also has the right to suspend or cancel the authorisation/membership of a volunteer for serious breaches of WIRES Policies and Procedures and/or Code of Conduct.
4. At every stage of the disciplinary process, the volunteer, should they wish, has the right to have a support person in attendance. The support person must not have any input into the procedure.

Footnote: bullying in the workplace is illegal

See also the document: Process for requesting members follow WIRES policy and procedure