



Grievance Policy

Rationale

BBBA abides by the articles of association and has codes of conduct supported by the usual practices of a sporting organisation to address grievances as they arise.

Policy

It is incumbent upon all staff, management, volunteers and members to uphold the principles set forth in any document issued for their guidance by BBBA.

The values of the organisation as outlined in these documents provide the framework by which BBBA will maintain integrity and professionalism while promoting a productive and harmonious working relationship within the association and in the interests of the organisation.

BBBA is required to put in place a fair system of review of actions taken by members of the association that effect fellow members within the organisation. This is referred to as a grievance procedure.

The procedure must be:

- Aimed at resolution rather than formal determination;
- Fair and impartial;
- Completed in a timely manner;
- Consistent with the principles of natural justice and procedural fairness;
- Consistent with the use of alternate dispute resolution mechanisms (conciliation and/or mediation) where appropriate.

1.1 BBBA encourages staff and members to attempt to resolve problems in an informal manner whenever appropriate. Where this is not possible, matters affecting individuals in the course of their participation in the association, should be dealt with by the process outlined in this policy.

These matters may include matters such as conditions of employment, assessment and/or performance issues, inappropriate behaviour, discrimination and /or harassment.

Applicants are advised to refer to the BBBA communications flowchart to see if their grievance needs to be directed to a particular person/role in the first instance.

1.2 Grievances not covered by this policy are:

- Termination of employment;
- Reviews of promotion decisions;
- Administrative exemptions – application thought to be frivolous or vexatious; the application made over 12 months after the grievance occurred; the grievance has been previously reviewed; the applicant is not party to the grievance; or the applicant has applied to an external body for review of the grievance.

1.3 Eligibility

All members of the association may lodge an application for a grievance under these guidelines.

Procedures

2. Making an application for a grievance

Before lodging an application for a grievance the applicant should consider:

- The outcome that they wish to achieve;
- What evidence exists to support their claim; and
- That an application for a grievance may not necessarily result in a change to, or a reversal of, a decision or action. Sometimes the only achievable outcome is an apology or an undertaking that a similar matter will be handled differently next time.
- If there is a policy/procedure that exists that covers the situation subject to the grievance.

Applicants should be aware that unless exceptional circumstances exist the status quo would continue, pending the outcome of the grievance procedure.

It is important that the person who is thinking of lodging an application for a grievance should have discussed their concerns with their supervisor or a Board member. In many instances an issue may be resolved satisfactorily at this point. If an association member is unable to discuss the matter at this level they may have to seek a formal grievance procedure.

The application for grievance procedure investigation must:

- Be in writing (electronic submission is permissible*);
- Be addressed to the BBBA Board
- Describe the situation or decision;
- Set out why the applicant is aggrieved, and
- Briefly state the outcome that the applicant is seeking.

*In the case of an electronic submission the applicant will be asked to sign and date a printed copy.

2.1 If it is determined that the grievance is not reviewable the applicant will be informed in writing of the reasons for the decision.

2.2 Where an investigation is to be undertaken, the BBBA Board will determine who will conduct the investigation, depending upon the circumstances surrounding the case. There will be at least two Board members on the investigation committee, and the Board will nominate an investigator.

2.3 The investigation will be conducted in confidence and in a timely manner.

2.4 The investigator will inform the applicant in writing that a investigation will be conducted and that the applicant is from that point requested to refrain from speaking with other people in the organisation about the grievance, until the advice of findings are made in writing to the applicant (4.1).

3. The Investigation Process

Depending upon the nature of the grievance, the process may initially attempt to resolve the issue in an informal manner through discussions with the aggrieved person and their supervisor or the Board. Alternate strategies such as mediation and conciliation may also be used if it is felt that an amicable and beneficial result may be found without the need for a formal decision on the application.

3.1 The investigator must carry out any investigation having due regard to procedural fairness.

Procedural Fairness and Proper Process

The **hearing rule** requires a decision maker to give a person the:

- Right to a fair hearing by an independent and unbiased person
- Right to know the case against them
- Right to have an opportunity to comment on material that may result in adverse findings on them

The **bias rule** requires a decision maker to be disinterested or unbiased in the matter to be decided

The **no evidence rule** requires that a decision be based upon logically proven and material evidence.

3.2 Mediation

Mediation is an option the investigator may choose to use.

The parties do not meet face to face. A conciliator acts as a go between conveying messages back and forward between the parties. The conciliator has

control over the communications and may make suggestions aimed at reaching a compromise solution.

3.4 Conciliation

Conciliation is an option the investigator may choose to use.

An independent third party assists and encourages the parties to reach agreement on a solution to a problem. The parties meet with each other face to face with the conciliator.

3.5 Risk Assessment

The investigator may determine to make a risk assessment to identify any risks associated with the investigation (eg. loss of staff, volunteers or members through resignation or illness; reputation of the organisation; conflict between the parties that may affect other members of the association; integrity of confidentiality).

4. Findings

The investigator will provide a written report of their findings and recommendation/s to the Board which will determine the outcome of the investigation which may include confirming the grievance, varying the grievance, setting the grievance aside (for example in the case where there is insufficient evidence) or substituting a new grievance or some other appropriate action. The Board may nominate a sub committee of Board members to handle this part of the process, which will make a report to the Board.

4.1 The applicant will be advised in writing of the findings and any action to be taken arising out of the investigation.

5. Secondary Review

If an applicant has been advised that the grievance they wanted investigated was not reviewable (2.1) and that the employee disagrees; or is dissatisfied with the outcome of the review and the decision reached (4.1), the applicant may apply to the Board for a further investigation. The applicant may make a secondary application.

5.1 The secondary application must be in writing, include reasons for seeking a further review and any specific outcome the applicant requires.

The applicant should consider carefully why they are not satisfied with the initial review and what else might be achieved by a further review.

6. Records

All papers pertaining to a review will be kept on a confidential file.

The confidential file will be kept locked in the place of the Board's determination.